United Nations S/2007/279

Security Council

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16 May 2007

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Letter dated 7 May 2007 from the Secretary-General to the President of the Security Council

The five Governments of Central Asia have reached a consensus on the establishment of a United Nations Regional Centre for Preventive Diplomacy in Ashgabat. While initiating this proposal, the Governments of the region took into consideration the multiple threats that face Central Asia, including international terrorism and extremism, drug trafficking, organized crime and environmental degradation.

In accordance with the United Nations Global Counter-Terrorism Strategy and the recommendations of the High-level Panel on Threats, Challenges and Change on the need to strengthen the United Nations capacity for conflict prevention, I wish to inform the members of the Security Council about my intention to establish this Centre. The Centre would be established in parallel with the phasing down and closure of the United Nations Tajikistan Office of Peacebuilding.

The Centre would have, inter alia, the following functions:

- To liaise with the Governments of the region and, with their concurrence, with other parties concerned on issues relevant to preventive diplomacy.
- To monitor and analyse the situation on the ground and to provide the Secretary-General of the United Nations with up-to-date information related to conflict prevention efforts.
- To maintain contact with the Organization for Security and Cooperation in Europe, the Commonwealth of Independent States, the Shanghai Cooperation Organization and other regional organizations, encourage their peacemaking efforts and initiatives, and facilitate coordination and information exchange with due regard to their specific mandates.
- To provide a political framework and leadership for the preventive activities of the United Nations country teams in the region; and to support the efforts of the Resident Coordinators and those of the United Nations system, including the Bretton Woods institutions, in promoting an integrated approach to preventive development and humanitarian assistance.
- To maintain close contact with the United Nations Assistance Mission in Afghanistan to ensure a comprehensive and integrated analysis of the situation in the region.

07-34453 (E) 160507

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

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Letter dated 15 May 2007 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 7 May 2007 (S/2007/279) concerning your intention to establish a United Nations Regional Centre for Preventive Diplomacy in Ashgabat has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter and the intention expressed therein, and invite you to inform them about the activities of the newly established Centre and its impact on the ground. They would welcome receiving such a report, for example, six months after the Centre becomes fully operational.

(*Signed*) Zalmay **Khalilzad**
President of the Security Council

07-34447 (E) 160507

United Nations S/2007/281

Security Council

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Letter dated 15 May 2007 from the Secretary-General to the President of the Security Council

Pursuant to Security Council resolution 1664 (2006), I have the honour to convey the attached letter from Prime Minister Siniora of Lebanon, dated 14 May 2007 (see annex).

I have studied the letter carefully and concur with him that, regrettably, all domestic options for the ratification of the Special Tribunal now appear to be exhausted, although it would have been preferable had the Lebanese parties been able to resolve this issue among themselves based on a national consensus.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

07-34441 (E) 160507

Annex to the letter dated 15 May 2007 from the Secretary-General to the President of the Security Council

Letter dated 14 May 2007 from the Prime Minister of Lebanon to the Secretary-General

Further to my letter of 10 April 2007, I write to you again regarding the establishment of the Special Tribunal for Lebanon.

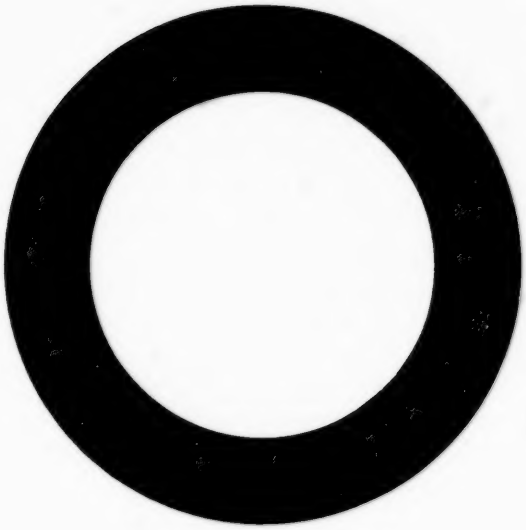
As you will recall, in my aforementioned letter I explained the impasse that had been created by the refusal of the Speaker of parliament to convene a session of parliament to formally ratify the statutes of the Tribunal and the bilateral agreement with the United Nations. As you will have also seen from the communication from members of parliament, a parliamentary majority has expressed its support for the Tribunal and readiness to formally ratify it in parliament if only a session could be convened. Unfortunately, this situation has continued since my last letter, as also reported to you by Nicolas Michel after his visit to Beirut last month.

We view Mr. Michel's most recent visit as a natural and welcome step on your part to enable the Secretariat to assess, at first hand, the prospects of formal domestic ratification of the Tribunal and the views of various parties regarding the Tribunal and its statutes. Mr. Michel's report to you and to the Security Council will have confirmed that (a) for all practical purposes the domestic route to ratification had reached a dead end, with no prospect for a meeting of parliament to complete formal ratification; and that (b) despite their stated support for the establishment of a Tribunal, the opposition has declined to discuss with Mr. Michel any reservations they may have on any of the agreed statutes.

In the light of the above, the Lebanese Government believes that the time has come for the Security Council to help make the Special Tribunal for Lebanon a reality. We therefore ask you, as a matter of urgency, to put before the Security Council our request that the Special Tribunal be put into effect. A binding decision regarding the Tribunal on the part of the Security Council will be fully consistent with the importance the United Nations has attached to this matter from the outset, when the investigation commission was established. Further delays in setting up the Tribunal would be most detrimental to Lebanon's stability, to the cause of justice, to the credibility of the United Nations itself and to peace and security in the region.

I would also like to request that the present letter be circulated to the members of the Security Council.

(*Signed*) Fouad **Siniora**



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16 May 2007

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Report of the Secretary-General concerning the credentials of the alternate representative of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 11 May 2007 from the Permanent Mission of the Russian Federation to the United Nations stating that Oleg I. Kravchenko has been appointed alternate representative of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, this note verbale constitutes adequate provisional credentials.

07-34459 (E) 160507

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Security Council

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16 May 2007

Original: English

Letter dated 15 May 2007 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council

I am pleased to transmit herewith the assessments of the President (see annex I) and of the Prosecutor (see annex II) of the International Tribunal for the Former Yugoslavia, pursuant to paragraph 6 of Security Council resolution 1534 (2004).

I should be grateful if you would transmit these assessments to the members of the Security Council.

(*Signed*) Fausto **Pocar**
President

07-34658 (E) 050607

Annex I

Assessment and report of Judge Fausto Pocar, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Council resolution 1534 (2004)

1. This report is submitted pursuant to Security Council resolution 1534 (2004) adopted on 26 March 2004 in which the Council, in paragraph 6 of the resolution, requested the International Tribunal for the Former Yugoslavia "to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the Completion Strategy of the Tribunal, explaining what measures have been taken to implement the Completion Strategy and what measures remain to be taken, including the transfer of cases involving intermediate and lower rank accused to competent national jurisdictions".[1]

I. Introduction

2. The three Trial Chambers of the International Tribunal continued throughout the reporting period to operate at full capacity hearing six trials simultaneously with two separate sittings in each of the International Tribunal's three courtrooms from early morning into the evening. In addition, to take advantage of any gaps that may appear in the courtroom schedule due to illness of accused or counsel, failure of witnesses to appear, or other unforeseen circumstances leading to an adjournment of a proceeding, the International Tribunal plans to commence a seventh trial by June 2007. Thus, for the first time in the International Tribunal's history, the three Trial Chambers will be hearing seven cases simultaneously.

3. The eight cases tried during the reporting period were *Mrksić, Radić and Šljivančanin; Martić; Prlić, Stojić, Praljak, Petković, Ćorić and Pušić; Milutinović, Sainović, Ojdanić, Pavković, Lazarević and Lukić; Popović, Beara, Nikolić, Borovčanin, Miletić, Gvero and Pandurević; D. Milosević; Haradinaj, Brahimaj and Balaj; and Boškoski and Tarčulovski*. Of the cases tried, Judgement will be issued in the *Mrksić, Radić and Šljivančanin* case and the *Martić* case within the next month.

4. Further, Trial Chamber I heard one contempt case, and issued Judgement on 7 February 2007. This contempt case was heard while the six trials were being conducted, and Trial Judges took advantage of gaps in courtroom schedules to complete proceedings in this case. At the same time, the Referral Bench composed of Judges from each of the three Trial Chambers, conducted hearings in cases concerning three accused under Rule 11*bis* of the Rules of Procedure and Evidence of the International Tribunal, again taking full advantage of any gaps in the courtroom schedule.

[1] The present report should be read in conjunction with the previous six reports submitted pursuant to Security Council resolution 1534(2004): S/2004/420 of 24 May 2004; S/2004/897 of 23 November 2004; S/2005/343 of 25 May 2005; S/2005/781 of 15 December 2005; S/2006/353 of 31 May 2006; and S/2006/898 of 16 November 2006.

5. In addition, Trial Chamber Judges managed 12 cases in the pre-trial stage leading to the issuance of 146 written decisions and 12 oral decisions on such matters as the form of the indictment, challenges to jurisdiction, disclosure of evidence, protective measures for victims and witnesses, provisional release, adjudicated facts and the admissibility of witness statements under Rule 92*bis* of the Rules. Following on the recommendations of the Working Group on Speeding up Trials detailed to the Council in the 31 May 2006 report, pre-trial Judges have taken firm control over the preparation of cases for trial to ensure that, should there be an unforeseen interruption in the trial schedule, the International Tribunal is ready to start a new case immediately. For example, when complications arose in commencing the trial of Vojislav Šešelj, the trial of Dragomir Milošević was ready to fill the gap left in the trial schedule and, when delays arose in the *Gotovina et al.* case, the *Delić* case was trial ready to take its place. Moreover, the increased control being exercised by pre-trial Judges has enabled the International Tribunal to commence three new trials during the reporting period.

6. The Appeals Chamber has also demonstrated a rapid increase in productivity, issuing more decisions both from the International Tribunal and from the International Tribunal for Rwanda during the reporting period than in any other in the International Tribunal's history. The Appeals Chamber rendered final Judgement in the following seven cases: *B. Simić; Galić; Brđanin; Bralo; Blagojević and Jokić; Ndindabahizi*; and *Muhimana*. In addition, the Appeals Chamber rendered 114 written decisions, including 12 interlocutory appeals; one referral decision; 79 pre-appeal decisions; one contempt decision; three decisions on review or reconsideration; and 18 other decisions since the last report.[2] Presently, the Appeals Chamber has 10 pending appeals from Judgement and expects to render Judgement in four of these cases in the next reporting period.[3]

7. Currently, nine accused in six cases are awaiting trial before the International Tribunal. This represents a reduction of six accused from the last report and is due to the start of three new trials. Of the accused awaiting trial, five have been provisionally released (Rasim Delić, Momčilo Perišić, Franko Simatović, Jovica Stanišić and Mićo Stanišić).[4]

8. As mentioned in the last report to the Council, the International Tribunal has expedited its transfer of convicted persons from the United Nations Detention Unit as a measure for improving conditions in the Unit and respecting human rights norms. Consequently, during this reporting period, four convicted persons were transferred to France, the United Kingdom, Finland and Spain for the serving of sentence following the close of their cases before the International Tribunal.

II. Measures taken to implement the Completion Strategy

A. Trial and appeal proceedings

9. The last three reports to the Security Council have detailed the measures taken by the International Tribunal to implement the Completion Strategy. Most of the measures adopted under my

[2] *See* Enclosures VI, VIII.
[3] *See* Enclosure VII.
[4] *See* Enclosure IV.

Presidency arose from an in-depth analysis of trial and appeal practices carried out by the Working Groups on Speeding up Appeals and Trials. The recommendations of these Working Groups for improving the efficiency of proceedings have been fully embraced by the Judges, and their effectiveness is amply demonstrated by the figures given above. Before detailing additional measures that have been taken by the Judges during this reporting period, I will provide some information with respect to the impact of some of the measures previously adopted, namely the amendment to Rule 73*bis* and the amendment to Rule 92 including the additions of Rule 92*ter* and Rule 92*quater*.

10. Rule 73*bis* has been used by the Trial Chamber in the multi-accused case of *Milutinović et al.* to reduce the number of crime sites listed in the Prosecution's Indictment. In the *Perišić* case, the Trial Chamber invited the Prosecution, pursuant to Rule 73*bis*, to reduce the number of counts in the Indictment. The invitation was refused, and the Trial Chamber is currently determining whether to order the Prosecution to do so. In the *Šešelj* case, the Prosecution responded positively to an invitation to reduce the number of counts in the Indictment, ultimately leading to a reduction by one-third. In the case of *D. Milošević*, the Trial Chamber issued a decision reducing the Indictment by one-third and, in the *Gotovina et al.* case, the Trial Chamber ordered the Prosecution to reduce the Indictment by not leading certain crime base evidence, substantially reducing the length of the Prosecution's case.

11. The introduction of Rule 92*ter*, which authorizes a Trial Chamber under certain conditions to consider written statements and transcripts of witnesses in lieu of oral testimony that goes to proof of the acts and conduct of the accused, has also had a significant impact on proceedings at the International Tribunal. For example, in the multi-accused case of *Popović et al.*, the Trial Chamber ordered the Prosecution to file a revised estimate of the length of examination of each witness it wished to call and to consider the possibility of converting *viva voce* witnesses into Rule 92*ter* witnesses. In filing its revised estimate, the Prosecution determined that 16 of its witnesses were suitable for admission pursuant to Rule 92*ter*. In the case of all but one of these witnesses, the Prosecution's time estimate for the examination-in-chief was reduced to 30 minutes or less. Of the 72 witnesses who had testified in *Popović et al.* by the end of March 2007, 27 testified pursuant to Rule 92*ter*, and their examination-in-chief has lasted an average of 35 minutes. Thus, as is demonstrated by this case, it is clear that a substantial savings of court time is resulting from the use of Rule 92*ter*.

12. Rule 92*quater*, which allows written statements and transcripts of witnesses that go to the acts and conduct of the accused to be introduced into evidence even when a witness is unavailable, has been used to admit evidence in the multi-accused cases of *Milutinović et al.* and *Popović et al.* Through use of this Rule, Trial Chambers have been able to admit relevant evidence of witnesses who were deceased at the time of trial.

13. As indicated by the level of trial activity during the reporting period, an additional measure adopted by the Trial Chambers has been to make use of any free courtroom space to hold additional hearings in their cases. As the Council is aware, the International Tribunal has two short court recesses during each year. In the past, these periods have been used for carrying out court maintenance as well as Judgement and pre-trial decision drafting. However, following a decision of the Judges, Trial Chambers are now permitted to use the recess period to hold additional hearings in their cases.

Accordingly, during the upcoming recess period, the *Milutinović et al.* and *Prlić et al.* Trial Chambers will conduct additional hearings to expedite the completion of their cases.

14. Another important factor contributing to increased efficiency during the reporting period has been the work of the Trial Scheduling Working Group. The Trial Scheduling Working Group has undertaken the difficult task of identifying which cases will be heard by what Chambers in order to ensure that cases in the pre-trial stage will be managed by the Chamber anticipated to hear the case. This action follows from the recommendation of the Working Group on Speeding up Trials that such practice would increase efficiency in trial proceedings. In carrying out this task, the Vice-President of the International Tribunal, who acts as Chairman of the Trial Scheduling Working Group, holds regular consultations with pre-trial Judges to ascertain, as accurately as possible, the level of trial readiness and the expected duration of a trial. Such assessments are no longer left to the discretion of the parties, but are under the control of the pre-trial Judge. An additional benefit is that the Trial Scheduling Working Group ensures that there are always one or more cases that are trial ready in case unforeseen developments require the replacement of one case with another; as already reported, delays in the commencement of the *Šešelj* and *Gotovina et al.* cases allowed the trial ready cases of *D. Milošević* and *Delić* to be moved forward to fill the gaps in the trial schedule. The ability to quickly move these cases forward avoided any delays impacting upon the efficiency of the Tribunal's work overall. The ongoing receipt of information from Judges with respect to the progress of pre-trial and trial proceedings has enabled the Trial Scheduling Working Group to produce a reasonably accurate forecast of the anticipated completion of all trials at the International Tribunal. Presently, this assessment indicates that while the International Tribunal will be able to complete most of its trials by the end of 2008, four of the six remaining cases are expected to finish in the first half of 2009 and the last two before the end of 2009.[5] Of course, this assessment is subject to the normal caveats that can cause delay in trials.

15. Similar to the Trial Chambers, the Appeals Chamber has continued to reap the benefits of amendments made to the Rules for purposes of expediting proceedings while upholding fair trial guarantees. As the Council has previously been advised, amendments adopted following the report of the Working Group on Speeding up Appeals have resulted, *inter alia,* in shortening the time limits for the filing of appeals, in avoiding repetitious filings, and in expediting the disposal of appeals by expanding the use of written as opposed to oral submissions. Additionally, the expanded role of the pre-appeal Judge in disposing of routine motions and expediting pre-appeal proceedings has ensured the readiness of appeals from Judgement for hearing at the earliest opportunity. In sum, the amendments to the Rules and the proactivity of Appeals Judges have enabled the Appeals Chamber to render a record number of Appeals from Judgement in the reporting period while also expediting the issuance of interlocutory, pre-appeal and other decisions.[6] As part of the commitment to rendering appeals decisions and Judgements as quickly as possible, the Judges of the Appeals Chamber have met on a number of occasions to discuss various mechanisms to assist the work of the Appeals Chamber.

[5] *See* Enclosure XII.

[6] *See* Enclosures X and XI.

16. The achievements that have been described above provide clear evidence of the full commitment of the International Tribunal to expediting proceedings while according full respect and protection to the rights of the accused. The Judges have asked that Member States demonstrate their commitment to the International Tribunal by ensuring that the rights accorded to Judges under the Statute are upheld specifically with respect to the payment of their pensions. The Judges have been supported by many Member States in this request; however, the International Tribunal's proposal for an amendment of the Pension Scheme was not adopted by the General Assembly, and the matter is to be reconsidered at its 62nd Session. Moreover, at the 61st session, unexpectedly and without consultation with the International Tribunal's Judges, the system of payment of Judges was changed resulting in a substantial decrease in the salary of a new Judge starting at the International Tribunal, or for an existing Judge starting a new term of office. The Judges are sensitive to that fact that this is a matter for the General Assembly, but I must flag for the Council that a denial of the rights of Judges and a decrease of their salaries, may impact upon the work of the International Tribunal and its Completion Strategy.

B. *Ad litem* Judges

17. The International Tribunal would not have been able to achieve the results being reported to the Council today without the dedication of its *ad litem* Judges. Currently, the International Tribunal has eleven *ad litem* Judges at its service. Of these eleven, three are serving both as *ad litem* Judges on one trial and reserve *ad litem* Judges on an additional trial. These Judges are thus often required to attend two court sittings per day, from early morning into the evening. Due to the arrangement of the trial schedule to maximize sitting time in both cases, the breaks accorded to these *ad litem* Judges are at times few and of short duration.

18. During the reporting period, at least two *ad litem* Judges have begun hearing an additional trial while drafting the Judgement in another case, thus serving on two cases full time. Those *ad litem* Judges that have not been assigned an additional trial are fully engaged in the preparation of new cases for trial. This is a particularly heavy workload for our *ad litem* Judges, but they have been willing to take on what is required to ensure the expeditious completion of the International Tribunal's mandate and to secure the continued support of the Council and of Member States. As President of the International Tribunal, I have been greatly supported by their outstanding contribution to expediting our work.

C. Staff retention

19. It is not just the Judges of the International Tribunal that bear responsibility for the impressive results shown in this report. The successful implementation of the International Tribunal's Completion Strategy owes much to the International Tribunal's professional and qualified staff. The staff in Chambers deserve special mention for the focused dedication they have shown to the work of the International Tribunal, with drafting teams being shared among groups of Judges and legal assistants doubling up on trials, effectively increasing what was already a heavy workload. I cannot emphasize enough how critical it is to the successful implementation of the Completion Strategy that the International Tribunal retain its highly qualified and experienced staff. Their departure would

invariably result in delays, and while the International Tribunal is applying in-house incentives to retain staff such as promotions and compensation time, the growth of other international courts, including more permanent courts, makes that task increasingly difficult. In this respect, the International Tribunal needs the support of the Security Council and Member States to offer sufficient incentives to guarantee as much as possible that its best staff will not leave until the work of the International Tribunal is completed.

D. Conclusion

20. To illustrate plainly the progress made by the International Tribunal in its proceedings to date, it is instructive to refer back to the first Completion Strategy Report submitted to the Security Council in May of 2004. In that report, the Security Council was advised that a total of eight accused were being tried in six cases and that in the nine years following the establishment of the International Tribunal it had completed or was holding first instance proceedings involving 59 accused in 38 proceedings.[7] There were a total of 33 accused awaiting trial in 17 cases,[8] appeals had been completed in 20 cases involving 28 accused,[9] and 20 fugitives were at large. Today, just three years later, only nine accused are in the pre-trial stage,[10] 29 accused are currently on trial,[11] and trial proceedings against 107 accused have been completed. Appeals have been completed in 45 cases involving 62 accused and only six fugitives remain at large.[12]

E. Referral of cases involving intermediate and lower-ranking accused to competent national jurisdictions

21. The referral of cases involving intermediate and lower-ranking accused to competent national jurisdictions pursuant to Rule 11*bis* has been central to the implementation of the International Tribunal's Completion Strategy. No additional motions for referral were filed by the Prosecutor during the reporting period on the basis that none of the cases remaining at the International Tribunal involve intermediate and lower ranking accused as stipulated in Security Council resolution 1534 (2004).

22. The impact of referrals on the overall workload of the International Tribunal has been substantial. As advised in previous reports, the Prosecutor has filed 13 referral motions involving 21 accused. One of these motions, that of Dragomir Milošević, was refused, and two others were withdrawn by the Prosecutor. One accused, Ivica Rajić, pled guilty before the International Tribunal and was sentenced by the Tribunal on 8 May 2006 and another three accused, Mrskić, Radić and Šljivančanin, were tried at the International Tribunal with Judgement expected to be rendered in the next month. In addition, during the reporting period, another motion for referral was withdrawn in the

[7] S/2004/420, para.2.
[8] S/2004/420, Annex 3.
[9] S/2004/420, Annex 4.
[10] *See* Enclosure IV.
[11] *See* Enclosure II.
[12] *See* Enclosure III.

case of Dragan Zelenović who pled guilty before the International Tribunal on 14 December 2006 and was sentenced on 4 April 2007.

23. Of the motions filed, the Referral Bench has granted nine motions involving 15 accused and none are currently pending. Of those granted, 10 accused appealed to the Appeals Chamber and seven appeals decisions have been issued. One appeal on referral is currently pending. One appeal decision remanded a case involving two accused back to the Referral Bench (*Rašević and Todović*), which eventually upheld the referral. The other five decisions also upheld the referrals in the cases of *Stanković, Mejakić et al., Ljubičić, Janković and Kovačević*. Currently, nine accused have been transferred to the Special War Crimes Chamber of Bosnia and Herzegovina, two accused have been transferred to the authorities of Croatia, and one accused has been transferred to Serbia for trial before the domestic courts of these countries.[13]

24. The Prosecution continues to monitor the trials referred to the region through the Organization of Security and Cooperation in Europe (OSCE). Under Rule 11*bis*, the Prosecution has the authority to request the Referral Bench to revoke its referral order should it determine that such a case is not being conducted with full adherence to human rights norms and due process standards. Of the cases referred by the Tribunal, the Special War Crimes Chamber of Bosnia and Herzegovina has completed two trials, one case commenced trial in December 2006 and two cases are at the pre-trial stage. On 14 November 2006, the trial of the first accused referred, Stanković, came to a close with the Chamber finding him guilty of crimes against humanity and sentencing him to 16 years' imprisonment. On 16 February 2007, proceedings against Janković were concluded with the Chamber finding him guilty of crimes against humanity and sentencing him to 34 years' imprisonment. The International Tribunal is satisfied that the trials of both of these accused respected international norms of due process as recognised by the reports of the OSCE and human rights organizations. While cases referred to Bosnia and Herzegovina are progressing, I note that one of the first cases to be referred by the International Tribunal, the *Ademi and Norac* case referred to Croatia on 14 September 2005, has not commenced. While it is now reported that this trial is anticipated to start on 18 May 2006, I urge the Member States of the Security Council to encourage Croatia to fulfill its obligation to try these accused as soon as possible.

F. Outreach and capacity-building

25. As I emphasized in my last report to the Council, it is critical to the success of the Tribunal's Completion Strategy and to the rights of the accused that all referred cases are conducted in full compliance with the highest standards of due process. However, to ensure that transfers made by the International Tribunal to the region are conducted successfully, it is imperative that these domestic jurisdictions are given the support they need from the Security Council and the international community to build domestic judicial capacity. The International Tribunal is aware of initiatives taken by some Member States to provide resources and training to strengthen the rule of law in the States of the former Yugoslavia, but much remains to be achieved. For lasting change to be accomplished and the rule of law to be entrenched in the region, the international community must be prepared to renew

[13] *See* Enclosure V.

and reinforce its current commitments. Increased investments in the region will help protect what has been achieved thus far and will ensure that the prosecution of war criminals continues after the close of the International Tribunal. I consequently urge the international community to take a long-term view of the critical importance of providing the necessary resources and support to domestic judicial systems. As I stated in my last report to the Security Council, it is these judicial systems that have begun the next chapter of the International Tribunal's work by prosecuting war crimes cases at the domestic level, and it is up to the courts in the States of the former Yugoslavia to carry on the legacy of this International Tribunal long after it has completed its mission. It must not be forgotten that it was never intended nor was it considered possible for the International Tribunal to try all persons responsible for the atrocities committed during the conflict in the region.

26. Recognising the importance of building judicial capacity, the Judges of the International Tribunal made time within their busy schedules to share their expertise and experiences with members of the local judiciaries. In February, they welcomed a visit by seven Judges of the State Court of Bosnia and Herzegovina and discussed a broad range of topics in two round-table meetings. The International Tribunal also contributed significantly to the launching of an extended training program for Judges and prosecutors in the Former Yugoslav Republic of Macedonia, involving a series of study visits to The Hague. The Serbian Witness Protection Commission paid a two-day visit to The Hague to learn about the International Tribunal's best practices. In addition, numerous smaller-scale activities and meetings took place, and the Tribunal's jurisprudence was actively made available to counterparts in the region. Finally, on 11 and 12 June 2007, several Judges of the International Tribunal will participate in an inter-regional conference organized by the OSCE with Judges from Croatia, Serbia, Bosnia and Herzegovina and Montenegro focusing on cooperation between jurisdictions for access to confidential materials and use and admissibility of evidence between courts.

27. As was underscored in the Security Council resolutions establishing the International Tribunal, the prosecution of war criminals is one of the factors contributing to the restoration and maintenance of peace in the region. Mindful of the importance of further engagement in this long-term process, the International Tribunal participated in public events on truth-seeking and reconciliation. In Croatia, myself, the Prosecutor and the Registrar spoke in a major regional conference that brought together Judges, prosecutors, politicians, academics, NGO representatives, filmmakers and writers under the topic "establishing the truth after armed conflicts". In Bosnia and Herzegovina, the Tribunal's Outreach Programme played an important role in setting-up an innovative and ambitious project which seeks to raise awareness amongst young people about war crimes and truth-telling mechanisms. Comprehensive presentations were also given to local NGOs promoting peace in the region.

28. Through its Outreach Programme and field offices in Belgrade, Sarajevo, Prishtine/Pristina and Zagreb, the International Tribunal also continued to disseminate its cases and findings to audiences in the former Yugoslavia. In Belgrade, the Outreach Programme co-organised a conference at which three staff members used multimedia presentations to describe how the International Tribunal investigated, prosecuted and tried crimes committed in the Čelebići camp in Konjic, Bosnia and Herzegovina. In Kosovo, a series of more than 20 lectures was held at high schools. In Bosnia and Herzegovina, the Registry Liaison Officer attended a conference in the town of Sanski Most to speak about the International Tribunal's cases in relation to crimes committed there and in neighbouring

municipalities. Across the region, representatives of the Outreach Programme liaised with victims' associations and other parts of civil society. Interlocutors were provided with extensive information, including novelty case information sheets which are being produced in the languages of the region with a view to ensure that key information on the International Tribunal's cases can be easily accessed by local communities.

29. Using the languages of the States of the former Yugoslavia, the International Tribunal's spokespersons and Outreach Officers communicated with the media in the region on a daily basis in order to inform the public at large about developments at the court. The Outreach Programme produced articles about the International Tribunal's cases for regional publications on transitional justice. Specific seminars were organized in Kosovo and the Former Yugoslav Republic of Macedonia for the benefit of local media outlets. Over the reporting period, the International Tribunal responded to an increasing number of requests from local television stations for video materials from the International Tribunal's hearings. Mass reproduction of DVDs was employed to enable the distribution of key footage from the International Tribunal's hearings as well as Judgements and court documents to hundreds of organizations and individuals in the region.

30. In response to the ever-growing use of its website, the International Tribunal launched a major overhaul project which, when completed, will result in a more comprehensive and interactive site with increased update frequency. The ultimate goal is to have the new website play a central role in preserving and communicating the International Tribunal's legacy to a global audience. Statistics show an average number of more than one million page requests each month from the current website. The usage of the Albanian and Macedonian language sites doubled in comparison with figures recorded less than a year before. The Bosnian/Croatian/Serbian segment of the site has maintained its popularity, with more than three hundred thousand page requests per month over the reporting period. The Tribunal's website remains a key tool for web users in the region and throughout the world to access video and audio feeds from the courtrooms as well as Judgements, court documents, general information and daily news.

G. Cooperation of States with the International Tribunal

31. It is with regret that I must again report to the Security Council the International Tribunal's deep concern with the failure of States to secure the arrest and transfer of the six high level remaining fugitives Karadžić, Mladić, Župljanin, Hadžić, Đorđević and Tolimir. While the Tribunal is very troubled by the failure of States to arrest each and every one of these accused, it is especially concerned with the failure to arrest Karadžić and Mladić. As its Presidents have consistently reported to the Security Council, the International Tribunal must not close its doors unless these fugitives are arrested and tried. To do otherwise would mean that the International Tribunal would not have fully discharged its mandate and the message and legacy of the International Tribunal that the international community will not tolerate serious violations of international humanitarian law will be dangerously and perhaps fundamentally undermined.

32. The International Tribunal's success has hinged on the willingness of States to co-operate in full adherence with their obligation to do so under Article 29 of the Statute of the Tribunal. The

necessity of full cooperation from States in the arrest of all remaining fugitives has now reached a critical stage. Without the arrest and trial of these remaining fugitives, international justice will be evaded and the International Tribunal's key objective to bring justice, peace and reconciliation to the region of the former Yugoslavia will be scarred by this failure.

33. It is clear that these fugitives have to face international justice. Accordingly, I urge the Security Council to take action now and send a strong message to these fugitives that they will be not be allowed to wait out international justice. The Security Council must make clear that the trial of these fugitives by the international community does not hinge upon the International Tribunal's proposed Completion Strategy dates. Additionally, I continue my call to all States to do all within their power to ensure the arrest of these fugitives immediately.

III. Legacy of the International Tribunal

34. For over a year now, the International Tribunal has focused attention on its legacy and most crucially on mechanisms that will need to remain in place to dispose of residual issues once the International Tribunal completes all trials and appeals on its docket. The Registrar of the International Tribunal organized a Working Group of key officials at the International Tribunal who have focused on this important issue in collaboration with the International Tribunal for Rwanda. Also, in September of last year, I convened the Judges in plenary to address legacy questions, which informed the report prepared by the Tribunal and submitted to the Office of the Legal Adviser in New York for Member State consideration in April of this year. This Legacy Report followed an initial report provided to the Office of the Legal Adviser in December 2005.

35. Additionally, in February 2007, I participated in an Expert Group meeting along with other officials of the International Tribunal organized by the Faculty of Law at the University of Western Ontario and the International Center for Transitional Justice and hosted by the Canadian Government to discuss the legacy of the International Tribunal and other similar international courts. The dialogue focused on two main issues: the structure of judicial mechanisms to remain in place following the closing of the international courts and the administration of archives. The discussions on residual judicial mechanisms focused on the necessary functions that must remain in place, including: trials of fugitives; supervision and commutation of sentences of convicted persons; review of cases; witness protection; and monitoring of referred cases. The debate on the archives of the International Tribunal focused on their accessibility to other courts and the general public, particularly in the region of the former Yugoslavia. In preparing its report to the Office of the Legal Adviser in April of this year, the International Tribunal benefited greatly from this debate, the number of briefing papers that had been prepared in preparation for the debate, and the resulting report produced by the organizers of the Expert Group meeting.

IV. Updated prognosis regarding implementation of the completion strategy

36. This report to the Council reflects the International Tribunal's commitment to make all efforts to meet Completion Strategy deadlines. Due to the dedication and commitment of the Judges and staff of the International Tribunal, the International Tribunal has succeeded in arriving at a clear estimation

for the completion of all of its pending trials within 2009, as shown by the chart of scheduled trials attached in Enclosure XII. Additionally, the International Tribunal is prepared to schedule the trials of some of its remaining fugitives to be completed within 2009 should they be arrested within the very near future. Furthermore, the International Tribunal estimates that all appeals should be concluded within two years of the completion of trials. While these projections show the success of the International Tribunal's implementation of its Completion Strategy, the Tribunal is not content with those projections. With the continued dedication of the Judges and the International Tribunal's highly competent staff, we will continue to seek new measures to increase the efficiency of the International Tribunal's work, in full compliance with due process and fair trial rights of the accused. As stated previously, whether greater efficiency is achievable, or the current level of efficiency is sustainable, will in large part turn upon the ability of the International Tribunal to retain its highly qualified and experienced Judges and staff. I urge the Council and Member States not to underestimate the importance of this consideration and to assist the International Tribunal in the implementation of mechanisms to retain Judges and staff as necessary for the expeditious completion of the International Tribunal's work.

V. Conclusion

37. While this report to the Security Council is evidence of the International Tribunal's ongoing progress in achieving greater efficiency in its work without sacrificing due process, the success of the International Tribunal is not measured only by the Judgements it has issued or the number of trials and appeals it has completed. The core achievement of the International Tribunal is the precedent it has set for the enforcement of international humanitarian law and the contribution it has made to the establishment of peace and stability in the former Yugoslavia through the prosecution of perpetrators during the conflict in the region.

38. However, as stated previously, there is a serious danger that the achievements of the International Tribunal as an institution charged with bringing an end to impunity will be seriously undermined. It is crucial that the International Tribunal's mandate be fully implemented as intended by the Security Council in resolutions 808 and 827, such that its outstanding fugitives must not be permitted, by virtue of the passage of time, to evade international justice. I reiterate my call to the Security Council to remind States of their obligation to fully cooperate with the International Tribunal by intensifying their efforts to arrest the remaining fugitives without delay so as to guarantee that the victims will be accorded international justice. The message of the international community to these outstanding fugitives must be clear and steadfast – that they will face justice regardless of the time at which they are arrested.

Annex II

Assessment and report of Carla Del Ponte, Prosecutor of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of resolution 1534 (2004)

1. This report is submitted pursuant to Security Council resolution 1534 (2004) adopted on 26 March 2004. In paragraph 6 of the resolution, the Security Council requested the International Tribunal for the former Yugoslavia to provide every six months "assessments by its President and Prosecutor, setting out in detail the progress made towards the implementation of the Completion Strategy of the Tribunal, explaining what measures have been taken to implement the Completion Strategy and what measures remain to be taken, including the transfer of cases involving intermediate and lower rank accused to competent national jurisdictions."

1. Introduction

2. There has been intense activity during the past six months. The Office of the Prosecutor continued throughout the reporting period to work hard to meet the Court's deadlines and Completion Strategy goals. The focus is now on the completion of trials and appeals and the support to domestic judicial and prosecutorial authorities. The Office of the Prosecutor continues to cooperate intensively with the States of the former Yugoslavia by assisting these States in a wide range of areas. It works closely with these authorities prosecuting, investigating and trying cases transferred by the Tribunal. The assistance it provides consists of sharing information directly with national prosecutors, providing documents, granting access to the Tribunal's information databases, providing technical assistance, training and responding to a multitude of requests for assistance originating from national authorities.

3. The arrest of the six outstanding fugitives, including the most notorious, Ratko Mladic and Radovan Karadzic, remains a crucial challenge to the Tribunal and the international community as a whole. The failure to apprehend the fugitives timely would seriously undermine the ability of the Tribunal to fulfil its mandate and have a lasting negative impact on the many victims of the atrocious crimes for which these individuals are allegedly responsible as well as the region as a whole.

4. This report follows up on Prosecutor's written assessment of 15 November 2006 and describes the continuing efforts made by the Office of the Prosecutor towards the implementation of the Tribunal's Completion Strategy. In line with the Completion Strategy, the Office of the Prosecutor focuses on four priority areas, which are set out in this report: (1) the progress made in completing trials and appeal proceedings and measures taken to speed up proceedings; (2) the transfer of cases and investigation files to national authorities and further assistance to these authorities; (3) international cooperation and the Office of the Prosecutor's continued efforts to track and arrest fugitives; and (4) the proposed future work schedule in relation to the budget for the 2008-9 biennium and the Tribunal's legacy.

2. Trial and appeal proceedings

5. A detailed account of measures taken to speed up trials has already been set out at length in the President's assessment in Annex I. The activity of the Office of the Prosecutor cannot, of course, be isolated from the overall trial work of the Tribunal, and it would be repetitious here to provide a separate account of the increase in the throughput of cases already described. The Prosecutor need simply confirm that, together with the other organs of the Tribunal, the trial work continues to proceed with maximum effort, now at an unprecedented level. Thanks to the initiatives taken by the Prosecutor since 2004, such as the joining of cases and the referral of cases to domestic jurisdictions, the Tribunal is now set on a clear path towards an orderly completion of its mandate.

6. Significant milestones have now been passed towards meeting the Tribunal's overall completion strategy. The joining of cases has been achieved as far as the inter-relationships among the remaining cases allows. Despite fears that trials with six or more accused would be unwieldy and unmanageable, three multi-leadership cases have proceeded steadily and are broadly on schedule, the trial of *Milutinovic et al* being the first to have now reached the stage of the closure of the prosecution case.

7. Similarly, the Prosecutor has succeeded in securing the transferring of all suitable cases of indicted persons for prosecution before national courts. That policy, too, has now been pursued to its limits, with only one outstanding appeal to be resolved. Together with guilty pleas, this initiative of the Prosecutor has resulted in important gains in terms of time and resources for the Tribunal.

8. The planning of the remainder of the Tribunal's trial schedule has also been greatly helped by the significant progress made in the preparation of cases at the pre-trial stage. The Prosecution has now filed its pre-trial briefs in all of the cases awaiting trial, even if their commencement dates are still some way off. This final preparatory work is essential for the proper judicial management of the cases. Even at this advanced stage in the Tribunal's mandate, the preparation of the next round of trials involves a large amount of investigative, legal and organisational work, which is largely invisible to the outside world. Significant developments have been made in the use of document management and office technology to find, handle and, where required, disclose the large amounts of material in the Office of the Prosecutor. It is worth noting that, at this date, the Prosecution's collection of evidence consists of some seven million pages of documents. Such improvements behind the scenes all contribute to the elimination of delay in the courtroom.

9. Although there is still much qto do, the bulk of the preparatory work has been done, and the Prosecution stands ready to start new cases in the courtroom progressively when the current trials come to an end. The fact that the Prosecution has been able to respond recently at short notice to enforced changes in the proposed scheduling of trials is a good indication of an all-round rise in the level of preparation of cases.

10. Cases before the Tribunal are by their nature long and complex. Trials cannot realistically be condensed to the extent that shortcuts begin to affect the fairness of the proceedings, either to the prosecution, representing the international public interest and the interests of the victims, or to the defence, representing the interests of the accused. The scale and grávity of the crimes and the high level of the accused mean that there can be no short cases. The prosecution has, in certain cases, taken the position that it could not further reduce the scope of indictment as requested by the Chambers,

pursuant to Rule 73*bis*, as a matter of policy and because it would be unjust towards the victims if part of the crime base were to be removed.

11. But that is not to say that nothing can be done to limit the matters requiring full proof in open court, or to find better methods for presenting evidence, in particular if this evidence has already been presented in other related cases. An objective comparison between trials at the Tribunal in the early years and at present would show dramatic changes. Much more written evidence is being presented. Evidence of the commission of crimes, regarded as routine in the Tribunal, is presented by the prosecution wherever possible in writing in lieu of live testimony of witnesses. Even when witnesses are brought to court, the policy of the Office of the Prosecutor is to rely on written statements for most of the evidence-in-chief, and to restrict the examination of witnesses to key points before cross-examination. It is now a feature of all trials that strict time limits are set and accepted for the length of the parties' cases and for the examination of individual witnesses. These time limits are closely monitored and adjusted as trials progress. Consequently, prosecutors continue to re-assess the numbers of witnesses they need to call and the numbers of documents they need to present in order to prove the charges as efficiently as possible.

12. The Tribunal's Rules of Procedure and Evidence, developed progressively and amended regularly over the years, now provide a flexible and balanced system for conducting trials. The amendment of the rules is, of course, a matter for the Judges, but further significant changes in the procedural or evidential framework for the conduct of trials are unlikely to be found. However, there may still be scope for the expanded application of some of the existing rules in a way that would shorten the amount of valuable court time required for a trial. More can still be done to resolve issues in the pre-trial stage, and to make early decisions that would bind the parties at trial and provide a secure basis for subsequent decision-making. Matters of admissibility and the production of documents lend themselves for such early disposal. More might also be done to produce agreement between the parties on uncontentious issues, thus avoiding the need to take up valuable court time.

13. In the most recent trials, the Office of the Prosecutor has proposed to make use of the rule that allows facts proved in one case to be used directly in another case without the evidence of that fact having to be re-heard. As the number of completed cases grows, there will be increased scope for avoiding repetitious evidence, and it may increasingly become evident that some matters are now beyond reasonable dispute. The Office of the Prosecutor will continue to find ways to make use of this potentially important tool in order to establish a core body of factual knowledge in much the same way that the International Criminal Tribunal for Rwanda was able to hold that it was common knowledge that there had been genocide in Rwanda. The increasing body of the Tribunal's fact-finding and jurisprudence and the growing historical perspective on the conflict in the former Yugoslavia may support such an approach.

14. Whether or not such developments prove to be possible, the Prosecutor agrees with the overall assessment that trials of all the accused presently before the Tribunal will either have been concluded or commenced during 2008, and that any trials not concluded during that year will end progressively during 2009. The timing of any arrest of fugitives will determine whether or not they can be tried in the same time period, since the opportunity to join arrested fugitives into existing cases is diminishing every day.

3. Cooperation with national jurisdictions and the transfer of cases and investigation files to the competent national jurisdictions

15. The transfer of cases and investigation files to competent national jurisdictions is a key component of the Tribunal's Completion Strategy. As outlined in detail in the President's report, the Prosecutor has, in total, filed 13 referral motions involving 21 accused, pursuant to Rule 11*bis* of the Rules of Procedure and Evidence. As at 15 May 2007, nine motions have been granted by the Tribunal's Referral Bench, involving 15 accused. Two cases involving two accused resulted in guilty pleas. In one case involving three accused the Prosecutor withdrew its motion and in another case, involving one accused, the Referral Bench denied the motion. There remain no pending applications under Rule 11*bis* before the Referral Bench. Thus far, nine accused have been transferred to the Special War Crimes Chamber of Bosnia and Herzegovina, two accused have been transferred to the authorities of Croatia and one accused has been transferred to Serbia.

16. The Office of the Prosecutor continues to monitor cases referred pursuant to Rule 11*bis* through the Organization for Security and Cooperation in Europe (OSCE). The monitoring mechanism is a fundamental component of the Tribunal's referral process. It also provides essential and effective assistance to national systems involved in a difficult judicial reform process and ensures the smooth and fair continuation of proceedings, which were initiated in The Hague. Taking into consideration the OSCE's critical role in the monitoring process and development of the rule of law, the Prosecutor is concerned about the prospect of a possible closure of the OSCE mission in Croatia by the end of the year and the impact it may have on the further monitoring of trials. The OSCE's capacity to monitor war crimes trials, applying similar high standards in the whole region to the cases referred by the Tribunal as well as prosecutions based on investigative materials provided by the Prosecutor to national prosecutors or initiated by national prosecutors themselves, should be strongly encouraged. This monitoring mechanism could serve as a model for other international criminal tribunals.

17. The Special War Crimes Chamber of the State Court of Bosnia and Herzegovina has made good progress in trying cases that have been referred pursuant to Rule 11*bis* as well as war crimes cases initiated by national prosecutors. As for Croatia, it has also been announced that the trial of the case referred to Croatia will commence on 18 June 2007.

18. The Office of the Prosecutor also continued to handover investigative materials to the national prosecutors in the region for further investigation. These are the so-called category II cases, in which the Tribunal issued no indictment. In total, seven such investigation files have been transferred, three to Bosnia and Herzegovina, two to Croatia and two to Serbia. The Office of the Prosecutor intends to transfer more investigation files involving some 32 persons to Bosnia and Herzegovina to that end. Certain materials belonging to these dossiers have already been provided to authorities in Bosnia and Herzegovina. A number of cases based on these materials have gone to trial or are about to go to trial in Sarajevo, Zagreb and Belgrade.

19. Despite these developments, it is worrying that the Serbian Supreme Court has systematically quashed and returned for re-trial judgements of the Special War Crimes Chamber in the Belgrade District Court when the convicted were Serbs. It is equally worrying that some war crimes cases before the courts in Croatia were subjected to substantial and entirely inappropriate political and

public pressure. In light of the extensive involvement of the Office of the Prosecutor in preparing these investigations, it may be useful to expand existing international monitoring mechanisms so as to include these national prosecutions.

20. The Office of the Prosecutor is prepared to refer back to the Former Yugoslav Republic of Macedonia four files of preliminary investigation work it accepted to take over in 2001. The Office of the Prosecutor intends to transfer these files to the authorities in Skopje for further investigation in the course of the summer of 2007. The Office of the Prosecutor has been informed that the Former Yugoslav Republic of Macedonia has undertaken important steps towards judicial reform and that a legal framework will be established to facilitate cooperation with the Tribunal. The Prosecutor welcomes such developments and will continue to provide assistance to national prosecutors as it has done thus far.

21. Over the years, cooperation with national prosecutors has intensified. The preparation of the transfer of cases and investigation files requires a considerable amount of work, which is carried out by the Office's Transition Team, working on a full-time basis on these cooperation matters, with the assistance of lawyers, prosecutors, investigators and analysts working on the specific dossiers. The Office of the Prosecutor assembles and organizes available evidence, summarises the evidence, provides thorough legal and criminal analysis, contacts witnesses, handles witness protection questions and other issues of confidentiality such as issues related to the protection under Rule 70. During and after the transfer of the files, the Office of the Prosecutor also continues to assist local authorities by providing information and documents, responding to multiple requests for assistance, and answering questions, not only in relation to the transferred files but also in relation to other related cases handled by the Tribunal. The Office of the Prosecutor has also granted access to document databases and specific formalised arrangements have been made to ensure access to the Office of the Prosecutor's evidence collection, including the Office's Electronic Disclosure Suite, which is an electronic database with the Prosecution's evidence collection.

22. Throughout the reporting period, the Office of the Prosecutor, in association with the Chambers and the Registry, continued to be actively engaged in other capacity building activities. Through almost daily contacts with the prosecutors and courts, it participated in conferences, training seminars and other symposia, such as a conference jointly organized by a local NGO and the Tribunal's Outreach Office in Belgrade devoted to the *Celebici* case, and the NGOs-driven conference in Zagreb on the Tribunal's legacy and establishing the truth. Training sessions were also conducted in Skopje and The Hague for judges and prosecutors from the Former Yugoslav Republic of Macedonia. Such events are important and will be continued.

23. The Office of the Prosecutor strongly supports the continued efforts of improving judicial cooperation with national prosecutors and between the national prosecutors of Bosnia and Herzegovina, Croatia and Serbia. Despite multiple efforts over the past year, it was not possible to resolve the issue of non-extradition of nationals and the question of transferring proceedings between the States concerned. The failure to address these issues has led to an "impunity gap", which denies any hope of justice to victims. Addressing this gap requires the political will to change legislation so as to allow for the extradition of nationals and the transfer of proceedings without limitation. The Office of the Prosecutor will continue to support ongoing efforts and initiatives to address this important issue.

4. International cooperation and arrest of fugitives

24. At the time of writing this report, six persons indicted by the Tribunal, namely Radovan Karadzic, Ratko Mladic, Stojan Zuplanin, Goran Hadzic, Vlastimir Dordevic and Zdravko Tolimir remain at large. No fugitive has been arrested or transferred to the Tribunal in the reporting period. The lack of full cooperation of States and failure to arrest and transfer six persons indicted by the Tribunal as required under Article 29 of the Statute of the Tribunal, remains a principal factor hampering the successful and timely achievement of the Tribunal's Completion Strategy.

25. The Office of the Prosecutor is convinced that all remaining accused are within reach of the authorities in Serbia. Even Vlastimir Djordjevic, who is believed to be in Russia could be located by Serb authorities if there were a true political will and a genuine effort.

26. There is reliable information that Radovan Karadzic, the former President of Republika Srpska, is presently in Serbia. The Prosecutor believes that authorities in Serbia have the capability to locate and arrest him. However, Serbia has not provided any substantial assistance to the Tribunal nor has it taken any concrete measure or action in seeking his arrest.

27. Reliable information also points out that Ratko Mladic remains in Serbia. Since July last year, Serbia's Action Plan to locate Ratko Mladic and all other fugitives proved fruitless. The systemic dysfunctions noticed in previous reports are still present. The lack of Serbia's political engagement, the absence of trust and proper cooperation between Serbian institutions and the failure to design and implement a concrete strategy continued to undermine the whole effort. Since October 2006, when the election campaign started in Serbia, there has been no sign of any significant activity aimed at locating and arresting fugitives indicted by the Tribunal. It has always been a position of the Prosecutor that only an unambiguous demonstration of political will by the authorities in Serbia can reverse the negative trend and produce results.

28. During the reporting period, the Office of the Prosecutor has sustained its efforts to gather information related to the whereabouts of fugitives. A number of initiatives have been taken and contacts are maintained with the concerned States. Despite the politically uncertain situation in Serbia, the Prosecutor maintained contacts with the authorities in Belgrade, including at the operational level. However, it finds that the responsible Serbian services have generally been less active and cooperative.

29. It is worth recalling that the International Court of Justice, in its recent Judgement of 27 February 2007, found that Serbia was in violation of the Genocide Convention since Serbia had done nothing to prevent the Srebrenica massacres. Moreover, in relation to the obligation to punish perpetrators of genocide, the Court stated that under the Genocide Convention, States have an obligation to cooperate with the Tribunal. The Court found Serbia in violation of the Convention as it failed in its duty to fully cooperate with the Tribunal. The Court observed that the Serb authorities did not do what they could and reasonably can do to ascertain exactly the location of Ratko Mladic and arrest him. The Court observed that there was plentiful, and mutually corroborative, information suggesting that Ratko Mladić, indicted by the Tribunal for genocide, as one of those principally responsible for the Srebrenica massacres, was on the territory of Serbia at least on several occasions and for substantial periods during the last few years and is still there now.

30. Referring to its consistent position on this matter and the particularly clear findings of the International Court of Justice with regard to Serbia's duties under international law and its failures to cooperate with the Tribunal, the Office of the Prosecutor continues to actively engage in seeking the support from States and international organizations to obtain the arrest of remaining fugitives and, in particular Ratko Mladic and Radovan Karadzic. It is hoped that the international community and especially concerned States will give effect to the International Court of Justice's findings.

31. The Prosecutor has informed these authorities of Serbia's insufficient level of cooperation. Since November last year, when, unfortunately, the North Atlantic Treaty Organization (NATO) invited Serbia to join its Partnership for Peace Programme and the Euro-Atlantic Partnership Council, the leverage of the European Union has remained the sole effective mechanism compelling Serbia to meet its international obligations. The European Union has set full cooperation with the Tribunal as a precondition for Serbia's rapprochement towards the European Union. Full cooperation with the Tribunal should be understood as implying the arrest of Radovan Karadzic and Ratklo Mladic. The Prosecutor remains available to provide the European Union with assessments on the level of cooperation provided by Serbia.

32. Croatia's level of cooperation with the Office of the Prosecutor is generally acceptable. However, there are indications of an increase in difficulties, involving the authorities of Croatia, in particular, related to the trial against *Ante Gotovina et al.*. Cooperation of Croatia remains crucial and will be tested during the coming months.

33. Bosnia and Herzegovina's level of cooperation with the Office of the Prosecutor has progressed and is now generally satisfactory. There are clear indications of progress made at the State and at the entity levels to improve coordination in targeted actions against the fugitives' support network.

34. There are no significant problems in the cooperation provided by the former Yugoslav Republic of Macedonia and Montenegro.

35. The Office of the Prosecutor continues to rely on cooperation from the United Nations Interim Administration Mission in Kosovo (UNMIK), in particular related to the case against *Ramush Haradinaj et al.* As previously reported, there are serious problems related to the protection of witnesses in that case. The Office of the Prosecutor will need to continue to rely heavily on UNMIK's assistance in ensuring the safety of its witnesses. Moreover, since security of witnesses is a very serious concern, the Office of the Prosecutor will endeavour to ensure that this issue continues to be addressed by the international community present in Kosovo after a new arrangement is in place.

5. Planning for the future

36. Concluding the second benchmark phase of the Tribunal's Completion Strategy, namely finishing first-instance trials, will have significant financial and structural consequences for the Office of the Prosecutor. That impact is being incorporated into the next budget proposal for the 2008-2009 biennium and into the Tribunal's legacy planning.

Budget and internal restructuring

37. In its budget for the next biennium, the Office of the Prosecutor is proposing further considerable reductions in staff and in non-post items such as travel and General Temporary Assistance. In line with the decrease in first instance trial activity, the proposal envisages a substantial reduction in staff in 2009. To improve efficiency and effectively support trial and appeals work, there will also be further office restructuring and organizational changes. The Investigations Division will merge with the Prosecution Division, and the Appeals Section will be strengthened to handle an increase in appellate work. Until the end of 2008, the Office of the Prosecutor will continue to function at full capacity, stretching its limited resources to cope with the remaining work-load.

Staff retention

38. As the Tribunal is entering its final phase, there is a fear that an increasing number of qualified and competent staff will leave the institution. The loss of institutional knowledge and the difficulty in hiring experienced staff to complete remaining trials will invariably result in delays in completing the Tribunal's work. Together with the President and the Registrar, the Prosecutor therefore supports providing incentives for the retention of qualified and competent staff.

The Legacy of the Tribunal

39. The Tribunal is in its last years of existence. It is therefore important for each of the United Nations *ad hoc* Tribunals to consider their legacies and related issues by proposing plans for the successful and efficient completion of their work and the lasting preservation of their achievements. The Prosecutor supported and contributed to the initiative of the Registrars of the two Tribunals to prepare suggestions regarding the legacies for both institutions. These suggestions were presented by the Tribunals to the Office of the Legal Counsel and are now before a working group of the Security Council. The proposals focus on the structure and mechanisms to remain in place following the closing of the tribunals and the administration of archives. It is fundamentally important that, for legal and practical reasons, prosecutorial options are preserved and the institution continue to exist as a legal entity — albeit seriously downsized — after 2010. The Tribunal's indictments, arrest warrants and rulings must continue to have effect to ensure that fugitives apprehended after 2010 will face international justice. It is equally important that the archives, which form part of the legacy, remain available, accessible and useful to all those interested, in particular the victims but also Governments, international organizations, non-governmental organizations, judicial institutions and academic researchers.

6. Conclusion

40. To meet the objectives set in Security Council resolutions 1503 (2003) and 1534 (2004), the Office of the Prosecutor is committed to speeding up proceedings by working closely with the other organs of the Tribunal. The first deadline of the Tribunal's Completion Strategy was met as all final indictments were issued by the end of 2004. The Office will continue to work hard towards finishing trials as early as possible. The transfer of the cases and investigation files to national jurisdictions and continuing close cooperation with national prosecutors remains a primary objective of the Office. The Office of the Prosecutor will also continue to focus on seeking the assistance from States and the international community to obtain the arrest of the remaining fugitives. Finally, the Office of the

Prosecutor is thoroughly engaged in planning for the future as reflected in its budget proposal for 2008-9 and in the proposals set out by the two Tribunals on their legacy.

41. To face the pressure of the Completion Strategy and successfully complete the mission it was entrusted with by the Security Council, the Office of the Prosecutor will continue to need the support from the United Nations and its Member States. It is in the interest of the international community as a whole, which has invested so much into institutions of international criminal justice, that the Tribunal have a successful and lasting positive impact on the countries and victims affected by wars and atrocious crimes.

42. The Tribunal has reached a point where its success in delivering justice to the victims of atrocities committed in the former Yugoslavia, its ability to fulfil its mandate, and the success of its Completion Strategy will largely depend on the removal of obstacles in Serbia to cooperate with the Tribunal. The international community has a moral duty to help Serbia and its leadership to make the right choice and take decisive action to bring all six remaining fugitives to The Hague. It should also stand firm and continue to defend fundamental principles of international justice. After the landmark judgement of the International Court of Justice in February this year, when Serbia was the first State to be found in violation of the Genocide Convention and ordered to deliver Ratko Mladic to The Hague, it would be inconceivable to end the Tribunal's mandate without Radovan Karadzic and Ratko Mladic, both accused of genocide in Srebrenica, being brought to justice before the Tribunal. The Council may wish to consider further action to encourage Serbia and other relevant countries to finally fulfil their international obligations under Chapter VII of the Charter.

Enclosure I

1. Persons Convicted or Acquitted after Trial between 01 December 2006 – 31 May 2007				
Case	**Name**	**Former Title**	**Initial Appearance**	**Judgement**

2. Persons Pleading Guilty between 01 December 2006 – 31 May 2007				
Case	**Name**	**Former Title**	**Initial Appearance**	**Judgement**
1	Dragan Zelenović	Sub Commander, Military Police, Serb forces	13 June 2006	4 April 2007 (convicted)

3. Persons Convicted of Contempt between 01 December 2006 – 31 May 2007			
Case	**Name**	**Initial Appearance**	**Judgement**
1	Domagoj Margetić	13 October 2006	7 February 2007 (convicted)

Enclosure II

1. Trials in Progress (29 accused in 8 cases)				
Case	**Name**	**Former Title**	**Initial Appearance**	**Comments**
1	Mile Mrkšić*	Colonel and Commanding Officer, JNA	16 May 2002	"Vukovar Hospital" Trial commenced 10 October 2005
	Miroslav Radić*	Captain, JNA	16 May 2002	
	Veselin Šljivančanin*	Major, JNA	3 July 2003	
2	Milan Martić*	President, "RSK"	21 May 2002	"RSK" Trial commenced 13 December 2005
3	Jadranko Prlić	President, "Herceg-Bosna"	6 April 2004	"Herceg-Bosna" Trial commenced 26 April 2006
	Bruno Stojić	Head Department of Defence, "Herceg-Bosna"		
	Slobodan Praljak	Assistant Minister Defence, "Herceg-Bosna"		
	Milivoj Petković	Commander, HVO		
	Valentin Ćorić	Chief of Military Police Administration, HVO		
	Berislav Pušić	Military Police Commanding Officer, HVO		
4	Dragoljub Ojdanić	Chief of Staff, VJ	26-Apr-02	"Kosovo" Trial Commenced 10 July 2006
	Nikola Šainović	Deputy Prime Minister, FRY	3-May-02	
	Milan Milutinović	President Republic of Serbia	27-Jan-03	
	Vladimir Lazarević	Commander, Pristina Corps, VJ, Kosovo	7-Feb-05	
	Sreten Lukić	Head Staff, Serbian Ministry of Internal Affairs, VJ, Kosovo	6-Apr-05	
	Nebojša Pavković	General, Commander 3rd VJ Army, Kosovo	25-Apr-05	
5	Ljubiša Beara	Colonel, Chief of Security, VRS	12-Oct-04	"Srebrenica" Trial Commenced 14 July 2006
	Drago Nikolić	Chief of Security, Drina Corps, VRS	23-Mar-05	
	Ljubomir Borovčanin	Deputy Commander, Ministry of Interior Special Police Brigade, RS	7-Apr-05	
	Vujadin Popović	Lt. Colonel, Assist. Commander, Drina Corps, VRS	18-Apr-05	
	Vinko Pandurević	Commander, Zvornik Brigade, VRS	31-Mar-05	
	Milan Gvero	Assistant Commander, VRS	2-Mar-05	

	Radivoje Miletić	Chief of Operations, Deputy Chief of Staff, VRS	2-Mar-05	
6.	Dragomir Milošević	Chief Commander, Romanija Corps, VRS	7-Dec-04	Trial Commenced 5 March 2007
7.	Ramush Haradinaj	Commander, KLA	14-Mar-05	
	Idriz Balaj	Commander, KLA	14-Mar-05	
	Lahi Brahimaj	Deputy Commander, KLA	14-Mar-05	
8.	Johan Tarčulovski	Personal Security Officer for President, FYROM	21-Mar-05	Trial Commenced 16 April 2007
	Ljube Boškoski	Minister of Interior, FYROM	1-Apr-05	
	Total Persons: 29			

**** These 2 trial cases are in Judgement writing phase (in total 4 accused awaiting Judgement).***

Legend:
FRY: Federal Republic of Yugoslavia
Herceg-Bosna: Croatian Republic of Herceg-Bosna
HVO: Croatian Defence Council
JNA: Yugoslav People's Army
RS: Republika Srpska
RSK: Republic of Serbian Krajina/Republika Srpska Kkrajina
VRS: Bosnian Serb Army
VJ: Armed Forces of the Federal Republic of Yugoslavia
KLA: Kosovo Liberation Army
FYROM: Former Yugoslav Republic of Macedonia

Enclosure III

1. Arrivals at the Tribunal between 01 December 2006-31 May 2007					
	Name	**Former Title**	**Place of crime**	**Arrival Date**	**Initial Appearance**
No new arrivals for this period					

2. Remaining Fugitives (6 accused)				
	Name	**Former Title**	**Place of Crime**	**Date indictment**
1	Radovan Karadžić	President, RS	BiH	25 July 1995
2	Ratko Mladić	Commander, Main Staff, VRS	BiH	25 July 1995
3	Vlastimir Đorđević	Assistant Minister, Serbian Ministry of Internal Affairs, VJ	Kosovo	25 September 2003
4	Goran Hadžić	President, "SAO SBWS"	Croatia	28 May 2004
5	Stojan Župljanin	Head or Commander of the Serb Operated Regional Security Services Centre	Krajina, Croatia	6 October 2004
6	Zdravko Tolimir	Assistant Commander, Intelligence and Security of the Main Staff, VRS	Srebrenica and Zepa	10 February 2005
	Total Remaining Indictees: 6			

Legend:
RS: Republika Srpska
SAO SBWS: Serbian Autonomous District, Slavonia Baranja and Western Srem
VRS: Bosnian Serb Army
VJ: Armed Forces of the Federal Republic of Yugoslavia

Enclosure IV

Accused Awaiting Trial for the period 01 December 2006 – 31 May 2007 (9 accused, 6 cases)			
Case	**Name**	**Former Title**	**Initial Appearance**
1	Vojislav Šešelj	President, SRS	26-Feb-03
2	Franko Simatović*	Commander, Special Operations Unit, State Security Services ("DB"), Republic of Serbia	2-Jun-03
	Jovica Stanišić*	Head, State Security Services ("DB"), Republic of Serbia	12-Jun-03
3	Ante Gotovina	Commander, Split Military District, HV	12-Dec-05
	Ivan Čermak*	Assistant Minister Defence, Commander of Military Police, Croatia	12-Mar-04
	Mladen Markač*	Special Police Commander, Croatia	
4	Rasim Delić*	Commander, ABiH	3-Mar-05
5	Momčilo Perišić*	Chief of General Staff, VJ	9-Mar-05
6	Mićo Stanišić*	Minister, Internal Affairs, RS	17-Mar-05

* *Accused have been granted provisional release.*

Legend:

ABiH: *Army of Bosnia and Herzegovina*
HV: *Croatian Army*
RS: *Republika Srpska*
SRS: *Serbian Radical Party*
VJ: *Armed Forces of the Federal Republic of Yugoslavia*

Enclosure V

1. 11*bis* motions pending (01 December 2006 – 31 May 2007)				
Case	**Name**	**Former Title**	**Motion filed**	**Status**
No 11bis motions pending after 31 May 2007				

2. 11*bis* motions pending on appeal between 01 December 2006 and 31 May 2007				
Case	**Name**	**Former Title**	**Motion filed**	**Status**
1	Milan Lukić	Member, Serb paramilitary unit, BiH	19 April 2007	pending

3. 11*bis* cases referred between 01 December 2006 and 31 May 2007				
Case	**Name**	**Former Title**	**Decision filed**	**Status**
1	Vladimir Kovacevic	Commander, JNA	28 March 2007	Referred back to Republic of Serbia
2	Sredoje Lukić	Member, Serb paramilitary unit, BiH	27 April 2007	Referred back to BiH
3	Milorad Trbic	Deputy Commander, Third Battalion VRS	05 April 2007	Referred back to BiH

* *In total, 14 Accused in 9 cases have been referred to the region on Rule 11bis motions to date.*

Legend:

BiH: *Bosnia and Herzegovina*
JNA: *Yugoslav People's Army*
VRS: *Bosnian Serb Army*

Enclosure VI

APPEALS COMPLETED FROM 1 DECEMBER 2006 [1]
(with date of Filing and Decision) Updated to 15 May

INTERLOCUTORY

ICTY	
1. Seselj IT-03-67.Ar73.4	07/12/06-08/12/06
2. Milutinovic et al IT-05-87-Ar65.2	06/12/06-14/12/06
3. Boskoski IT-04-82-Ar72.2	22/09/06-09/01/07
4. Prlic et al IT-04-73.4	30/11/07-06/02/07
5. Popovic et al IT-05-88-Ar.65.3	21/12/06-01/03/07
6. Lukic IT-98-32/1-Ar65.1	20/12/06-16/04/07
7. Seselj IT-03-67-Ar73.5 ***Confidential***	14/02/07-17/04/07
8. Milutinovic et al IT-05-87-Ar73.1	21.03.07-20.04.07
9. Gotovina et al IT-06-90-Ar73.1	20.03.07-04/05/07
10. Prlic et al IT-04-74-Ar73.4	08/03/07-11/05/07
ICTR	
1. Karemera et al ICTR-98-44-R15*bis*.3	13/03/07-20/04/07
2. Karemera et al. ICTR-98-44-AR73.8	19/03/07-11/05/07

FROM JUDGEMENT

ICTY	
1. Simi} IT-95-9-A	17/11/03-28/11/06
2. Gali} IT-98-29-A	15/12/03-30/11/06
3. Bralo IT-95-17-A	05/01/06-02/04/07
4. Brđanin IT-99-36-A	30/09/04-03/04/07
5. Blagojevic/Jokic IT-02-60-A	23/02/05-09/05/07
ICTR	
1. Ndindabahizi ICTR-01-71-A	13/08/04-16/01/07
2. Muhimana ICTR-95-1B-A	20/05/05-21/05/07

OTHER

ICTY	
1. Stakic IT-97-24-R	05/10/06-16/11/06
2. Krnojelac IT-97-25-A ***Confidential***	05/10/06-22/11/06
3. Gotovina et al IT-06-90-Ar108bis.1	25/10/06-13/12/06
4. Prlic et al IT-04-74-Ar108bis.1	25/10/06-13/12/06
5. Gotovina, Cermak & Markac IT-03-73-Ar73.1	08/11/06-12.01.07
6. Stakic IT-97-24-A	27/10/06-19/01/07
7. Blaskic IT-95-14-R (rule70)	22/12/07-19/01/07
8. Blaskic IT-95-14-R (Bralo)	11/01/07-29/01/07
9. Blaskic IT-95-14-R (Delic)	19/01/07-14/02/07
10. Martinovic/Naletilic IT-98-34-A- ***Confidential***	02/02/07-06/03/07
11. Blaskic IT-95-14-R	05/02/07-13/03/07
12. Galic IT-98-29-A ***Confidential***	01/03/07-20/03/07
13. Krstic IT-98-33-A ***Confidential***	13/03/07-28/03/07
14. Lukic IT-98-32/1-Ar11bis.1	18/04/07-04/05/07
ICTR	
1. Karemera ICTR-98-44-AR73(C)	07/08/06-01/12/06
2. Nzirorera ICTR-98-44-Ar73 (C)	17/08/06-01/12/06
3. Ngirumpatse ICTR-98-44-Ar73(C)	29/08/06-01/12/06
4. Niyitegeka – ICTR-96-14-R	28/03/07-17/04/07

REFERRAL

ICTY	
1. Kovacevic IT-01-42/2-Ar11bis.1	01/12/06-28/03/07

REVIEW

ICTY	
1. Blaskic IT-95-14-R	29/05/07-22/11/06
ICTR	
1. Rutaganda ICTR-96-3-R	13/04/06-08/12/06
2. Niyitegeka ICTR-96-14-R	08/12/06-06/03/07

CONTEMPT

1. Josip Jovic IT-95-14 & 14/2-R77-A	14/09/06-15/03/07

[1] **Total number of Appeals Completed from 1 December 2006 = 42**

Interlocutory Appeals = 12 Contempt = 1 Referral = 1
Appeals from Judgement = 7 Review = 3 Other = 18

Enclosure VII

APPEALS pending as of 31 MAY 2007 [2] (with date of filing) Updated to 15 May			
INTERLOCUTORY		**FROM JUDGEMENT**	
ICTY		**ICTY**	
1. Trbic IT-05-88/1-Ar73.1 *Confidential*	17/07/06		
2. Gotovina IT-06-90-Ar72.1	03/04/07	1. Halilovic IT-01-48-A	16/12/05
3. Gotovina IT-06-90-Ar73.2	04/05/07	2. Limaj IT-03-66-A	30/12/05
4. D. Milosevic IT-98-29/1-Ar73.1	10/05/07	3. Hadzihasanovic/Kubura IT-01-47-A	13/04/06
5. Prlic et al IT-04-74-Ar72.2	10/05/07	4. Oric IT-03-68-A	31/07/06
		5. Krajisnik IT-00-39-A	25/10/06
ICTR		6. Zelenovi} IT-96-23/2-A	27/04/07
1. Karemera et al ICTR-98-44-Ar73.9	11/04/07		
2. Nyaramasuhuko et Al ICTR-98-42-Ar73	09/05/07	**ICTR**	
		1. Nahimana et al ICTR-99-52-A	12/12/03
		2. Simba ICTR-01-76-A	14/12/05
		3. Muvunyi ICTR-00-55A-A	12/10/06
		4. Seromba ICTR-01-66-A	11/01/07
OTHER		**REFERRAL**	
ICTY		1. Lukic IT-98-32/1-Ar11bis.1	19/04/07
1. Blaskic IT-95-14-R			
2. Strugar IT-01-42-Misc 1- Confidential	26/03/07	**REVIEW**	
3. Milosevic IT-02-54-Ar108bis.3 Confidential	19/04/07		
	26/04/07		
ICTR		**CONTEMPT**	
1. Rwamakuba ICTR-98-44C-A	12/02/07		

[2] **Total number of Appeals pending = 22**

Interlocutory Appeals = 7 Contempt = 0 Referral = 1
Appeals from Judgement = 10 Review = 0 Other = 4

Enclosure VIII

MOTIONS disposed of as of 1 DECEMBER 2006

(with date of disposition)

ICTR

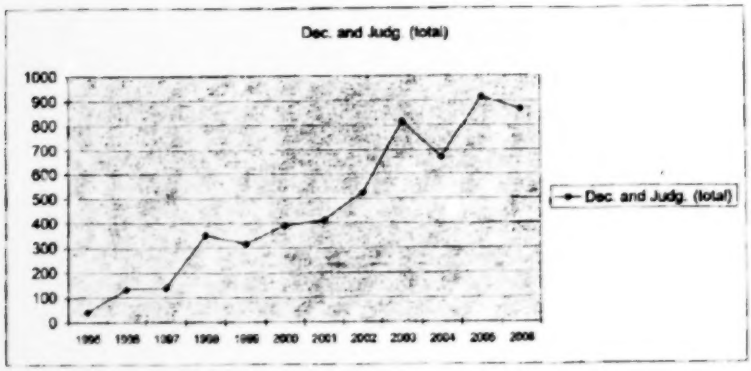
1. Kanyabashi ICTR-98-42-AR73 10/05/07
2. Karemera et al ICTR-98-44 20/03/07
3. Karemera et al ICTR-98-44 14/03/07
4. Karemera et al ICTR-98-44 12/04/07
5. Muhimana ICTR-95-1B-A 29/03/07
6. Muhimana ICTR-95-1B-A 08/05/07
7. Muhimana ICTR-95-1B-A 12/01/07
8. Muhimana ICTR-95-1B-A 11/01/07
9. Muvunyi ICTR-00-55A-A 22/11/06
10. Muvunyi ICTR-00-55A-A 15/02/07
11. Muvunyi ICTR-00-55A-A 15/02/07
12. Muvunyi ICTR-00-55A-A 05/03/07
13. Muvunyi ICTR-00-55A-A 19/03/07
14. Muvunyi ICTR-00-55A-A 27/04/07
15. Muvunyi ICTR-00-55A-A 04/04/07
16. Nahimana et al ICTR-99-52-A 16/11/06
17. Nahimana et al ICTR-99-52-A 20/11/06
18. Nahimana et al ICTR-99-52-A 23/11/06
19. Nahimana et al ICTR-99-52-A 27/11/06
20. Nahimana et al ICTR-99-52-A 27/11/06
21. Nahimana et al ICTR-99-52-A 01/12/06
22. Nahimana et al ICTR-99-52-A 08/12/06
23. Nahimana et al ICTR-99-52-A 08/12/06
24. Nahimana et al ICTR-99-52-A 08/12/06
25. Nahimana et al ICTR-99-52-A 06/12/06
26. Nahimana et al ICTR-99-52-A 13/12/06
27. Nahimana et al ICTR-99-52-A 13/12/06
28. Nahimana et al ICTR-99-52-A 05/12/06
29. Nahimana et al ICTR-99-52-A 01/12/06
30. Nahimana et al ICTR-99-52-A 15/01/07
31. Nahimana et al ICTR-99-52-A 15/01/07
32. Nahimana et al ICTR-99-52-A 12/01/07
33. Nahimana et al ICTR-99-52-A 12/01/07
34. Nahimana et al ICTR-99-52-A 12/01/07
35. Nahimana et al ICTR-99-52-A 15/01/07
36. Nahimana et al ICTR-99-52-A 21/02/07
37. Nahimana et al ICTR-99-52-A 07/02/07
38. Nahimana et al ICTR-99-52-A 27/03/07
39. Nahimana et al ICTR-99-52-A 19/03/07
40. Nahimana et al ICTR-99-52-A 05/03/07
41. Nahimana et al ICTR-99-52-A 03/04/07
42. Nahimana et al ICTR-99-52-A 03/05
43. Niyitegeka ICTR-96-14-R 30/03/07
44. Niyitegeka ICTR-96-14-R 09/01/07
45. Rwamakuba ICTR-98-44C-A 18/04/07
46. Rwamakuba ICTR-98-44C-A 10/05/07
47. Serumba ICTR-01-66-A 08/05/07
48. Serumba ICTR-00-66-A 14/02/07
49. Serumba ICTR-01-66-A 12/03/07
50. Serumba ICTR-01-66-A 22/03/07
51. Serumba ICTR-01-66-A 11/05/07
52. Simba ICTR-01-76-A 30/11/06
53. Simba ICTR-01-76-A 18/04/07
54. Simba ICTR-01-76-A 04/04/07
55. Simba ICTR-01-76-A 09/01/07

ICTY

56. Blagojevic & Jokic IT-02-60-A 21/11/06
57. Blagojevic & Jokic IT-02-60-A 05/12/06
58. Blagojevic & Jokic IT-02-60-A 22/01/07
59. Blagojevic & Jokic IT-02-60-A 24/04/07
60. Blagojevic & Jokic IT-02-60-A 12/04/07
61. Blaskic IT-95-14-R 20/11/06
62. Blaskic IT-95-14-R 01/12/06
63. Blaskic IT-95-14-R 31/01/07
64. Blaskic IT-95-14-R 29/01/07
65. Blaskic IT-95-14-R 11/01/07
66. Blaskic IT-95-14-R 09/01/07
67. Blaskic IT-95-14-R 14/02/07
70. Bralo IT-95-17-A 05/12/06
71. Bralo IT-95-17-A 12/01/07
72. Bralo IT-95-17-A 11/01/07
73. Bralo IT-95-17-A 10/01/07
74. Bralo IT-95-17-A 09/01/07
75. Bralo IT-95-17-A 13/02/07
76. Bralo IT-95-17-A 08/02/07
77. Bralo IT-95-17-A 15/03/07
78. Bralo IT-95-17-A 05/03/07
79. Brdanin IT-99-36-A 24/01/07
80. Brdanin IT-99-36-A 10/01/07
81. Brdanin IT-99-36-A 23/02/07
82. Brdanin IT-99-36-A 16/03/07
83. Galic IT-98-29-A 16/11/06
84. Galic IT-98-29-A 06/12/06
85. Galic IT-98-29-A 06/03/07
86. Gotovina, Cermak and Markac IT-06-90 16/11/06
87. Gotovina, Cermak and Markac IT-06-9012/01/07
88. Hadzihasanovic & Kubura IT-01-47-A 30/01/07
89. Hadzihasanovic & Kubura IT-01-47-A 22/01/07
90. Hadzihasanovic & Kubura IT-01-47-A 20/02/07
91. Hadzihasanovic & Kubura IT-01-47-A 14/02/07
92. Hadzihasanovic & Kubura IT-01-47-A 22/03/07
93. Hadzihasanovic & Kubura IT-01-47-A 04/05
94. Hadzihasanovic & Kubura IT-01-47-A 03/05
95. Hadzihasanovic & Kubura IT-01-47-A 04/05
96. Jovic IT-95-14 & 14/2-R77-A 15/02/07
97. Jovic IT-95-14 & 14/2-R77-A 24/04/07
98. Krajisnik IT-00-39-A 20/12/06
99. Krajisnik IT-00-39-A 31/01/07
100. Krajisnik IT-00-39-A 29/01/07
101. Krajisnik IT-00-39-A 11/01/07
102. Krajisnik IT-00-39-A 21/02/07
103. Krajisnik IT-00-39-A 20/02/07
104. Krajisnik IT-00-39-A 01/02/07
105. Krajisnik IT-00-39-A 11/05/07
106. Limaj IT-03-66-A 29/11/06
107. Limaj IT-03-66-A 15/03/07
108. Limaj IT-03-66-A 12/03/07
109. Limaj IT-03-66-A 10/05/07
110. Lukic et al IT-98-32/1-Ar11.bis.1 11/05/07
111. Milutinovic IT-05-87-Ar73.1 08/12/06
112. Naletelic & Martinovic IT-98-34-A 02/02/07
113. Oric IT-03-68-A 30/01/07
114. Oric IT-03-68-A 29/01/07
115. Oric IT-03-68-A 02/05/07
116. Oric IT-03-68-A 03/05/07
117. Oric IT-03-68-A 10/05/07
118. Oric IT-03-68-A 14/05/07
119. Seselj IT-03-67 08/12/06
120. Seselj IT-03-67 15/02/07
121. Stakic IT-97-24-A 16/11/06
122. Stakic IT-97-24-A 20/11/06
123. Trbic IT-05-88/1-Ar73.1 22/03/07
124. Zelenovic IT-96-23/2-A 02/05

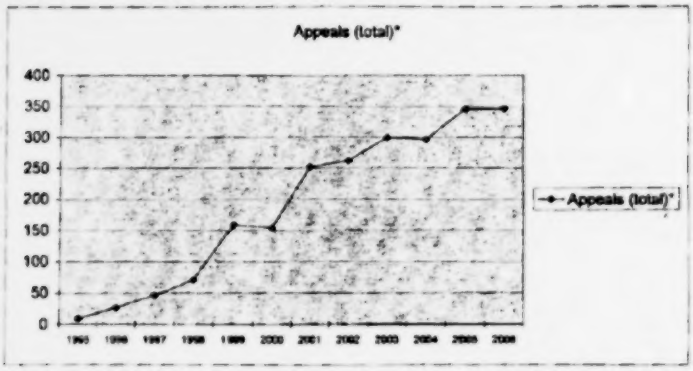
Enclosure IX: ICTY Pre-Trial and Trial Activity

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
[redacted]	41	133	137	350	316	389	410	524	814	668	915	865	337



Enclosure X: ICTY Pre-Appeal and Appeal Activity

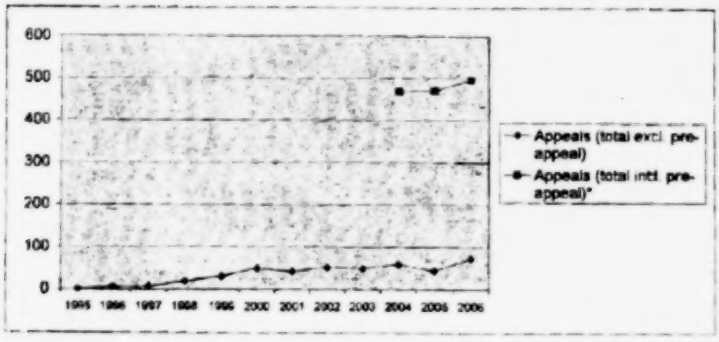
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
[redacted]	9	27	46	71	158	154	252	282	299	298	345	345	113



*Includes all orders and decisions rendered.

Enclosure XI: ICTY and ICTR Appeals Chamber Activity

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
[redacted]	1	6	6	19	31	49	42	52	49	59	44	72	29
										468	471	496	164



* Includes all orders and decisions rendered

United Nations S/2007/283/Corr.1

Security Council

Distr.: General
12 June 2007

English only

Letter dated 15 May 2007 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council

Corrigendum

Annex I, paragraph 24

In the last sentence, 18 May 2006 *should read* 18 May 2007

07-37970 (E) 130607

United Nations S/2007/284

Security Council

Distr.: General
16 May 2007

Original: English

Letter dated 15 May 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

Further to my letter dated 29 March 2007 and its attachment (the joint communiqué on the facilitation of humanitarian activities in Darfur), I have the honour to transmit to you the outcome of the meeting of the High-level Committee on the implementation of the above-mentioned communiqué (see annex). I should be grateful if this letter and its annex could be issued as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

07-34620 (E) 170507

Annex to the letter dated 15 May 2007 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General

Press release

Outcome of the meeting of the High-level Committee on the implementation of the joint communiqué on the facilitation of humanitarian activities in Darfur

The High-level Committee that was established by the joint communiqué on the facilitation of humanitarian activities in Darfur met for the first time today, 2 May, at the Ministry of Humanitarian Affairs. The meeting was chaired by the Minister for Humanitarian Affairs and the United Nations Resident and Humanitarian Coordinator and Deputy Special Representative of the Secretary-General. The participants included representatives of the Humanitarian Affairs Commission, the Ministry of Foreign Affairs, the European Commission, the Embassy of Jordan, international non-governmental organizations and the United Nations. The Committee had positive discussions on facilitating the work of humanitarian actors in Darfur. The Committee acknowledged the progress that had been made in terms of improving access for humanitarian actors, and for addressing bureaucratic issues that had been identified.

Commitments were made by the Government to address issues of labour requirements with a view to resolving them prior to the next meeting. The United Nations agreed to expedite technical support to strengthen the capacity of the Joint Procedures Centre and the Technical Committee. A common monitoring mechanism was endorsed by the Committee and will be the basis for registering and addressing any issues related to the joint communiqué in a systematic manner. Progress was acknowledged on the processing of visas for non-governmental organizations, and humanitarian assets through Customs, although it was noted that further work needs to be done. The Committee also supported the wide dissemination of the agreements made in the joint communiqué.

The Committee agreed to meet again in two weeks' time.

United Nations A/61/910–S/2007/285

General Assembly
Security Council

Distr.: General
16 May 2007

Original: English

General Assembly
Sixty-first session
Agenda items 13 and 14

The situation in the Middle East

Question of Palestine

Security Council
Sixty-second year

Identical letters dated 16 May 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

Following my conversation with the Secretariat last evening, I write to inform you of the highly distressing and appalling number of rockets launched by Palestinian terrorists in the Gaza Strip at Israeli communities in the south over the past week.

From Wednesday, 9 May 2007, through yesterday, Tuesday, 15 May 2007, Palestinian terrorists fired 52 Qassam rockets and mortar shells at Israel. Yesterday alone, 20 rockets landed in the southern city of Sderot. During the course of the day, 30 people were injured from the attacks, among them a mother, seriously wounded, and her 4-year-old son, moderately wounded. A number of private homes as well as public buildings and property sustained considerable damage. Hamas — which is represented in the Palestinian government by numerous ministers, including the Prime Minister — claimed responsibility for the attacks.

Since November 2006, Palestinian terrorists have repeatedly and egregiously violated the ceasefire. The continuation of violence gravely endangers the stability and security of the region. Hamas must relinquish its terrorist platform, and embrace its responsibilities as enumerated by the Quartet, to recognize Israel, renounce violence and terror, and abide by previous agreements.

It cannot be ignored that the terrorist attacks against Israel outside the Gaza Strip occurred during another disturbing round of inter-Palestinian violence inside the Gaza Strip. Yesterday's internal clashes between Palestinian factions, who claim to be unified under a so-called unity government, resulted in the death and injury of countless Palestinian civilians. There is no doubt that the attacks against Israel were an attempt to divert attention away from the infighting, and artificially unite the Palestinian factions under a banner of attacking Israel.

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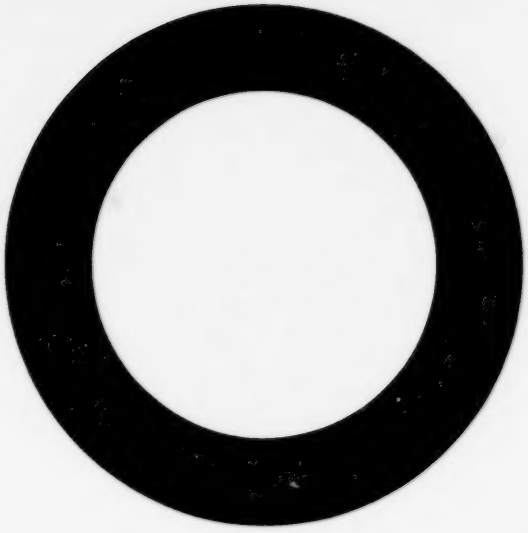
Israel will not tolerate these relentless rocket attacks. As Hamas continues to provoke, stir violence, and perpetrate terror, Israel is ready to take whatever measures are necessary to prevent them and safeguard and defend the lives of its citizens. Israel reserves the right to exercise and act in self-defence, as any other nation would if faced with this intolerable situation.

Israel urges the international community to do everything in its power to support an end to the Palestinian terror campaign against Israel.

I should be grateful if you would circulate this letter as a document of the General Assembly, under agenda items 13 and 14, and of the Security Council.

(*Signed*) Daniel **Carmon**
Ambassador
Chargé d'affaires a.i.



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Letter dated 16 May 2007 from the Secretary-General to the President of the Security Council

Pursuant to Security Council resolution 1664 (2006), I have the honour to convey the attached letter from His Excellency Emile Lahoud, President of the Republic of Lebanon, dated 15 May 2007 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

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Annex

Letter dated 15 May 2007 from the President of Lebanon addressed to the Secretary-General

[Original: Arabic]

I have learned through the news media that Mr. Fuad Siniora, the Prime Minister of a Government which is devoid of legitimacy in terms of the National Pact and the Constitution, sent you a letter calling on you to establish "the Special Tribunal for Lebanon" through the Security Council under a binding resolution on the grounds that its establishment by means of the Lebanese Constitution has become impossible and that the failure to set up the Tribunal will delay the advent of security and peace in the region.

In his letter, according to the version that was made public, Prime Minister Siniora stated that the Speaker of Parliament was preventing the Parliament from meeting to establish the Tribunal and suggested that no comments had been made about its Statute during the recent visit to Lebanon of your Special Envoy, Mr. Nicolas Michel.

I truly regret that Prime Minister Siniora should repeatedly indulge in such tactics in dealing with the highest international authority and should resort to falsifications and distortions of the facts in order to implicate the Security Council in action alien to its objectives, its role and its concerns as the supreme political authority of the United Nations and that he should endeavour to secure support for one Lebanese group over the other by using the international legitimacy that is the guarantor of the sovereignty of States and the unity and well-being of their people.

I refer to the letter that you addressed to me on 2 January 2007 in which you expressed your determination to do everything in your power to ensure that the United Nations is equal to the hopes placed in it by the Member States. Perhaps the most outstanding illustration of that honourable position were the discussions which you held with me on more than one occasion and the fact that you sent your Special Envoy, Mr. Nicolas Michel, to Lebanon to meet me and to obtain my written comments on the draft agreement on the Tribunal and its Statute. He received a copy of those comments which, in every detail, convey my desire to set up the Tribunal using authorized constitutional means in Lebanon, free from any suspicion or political agenda and without any distortion of its mandate, thus making the Tribunal legally unimpeachable, and enabling it to perform its expected role, namely to prosecute those responsible for the assassination of the late Mr. Rafiq Hariri and his distinguished companions without any deviation into political conjectures aggravated by the factionalism and sharp divisions and apprehensions which still beset the free and honourable citizens and officials of my country.

There is no harm in reminding you of the following established facts about which there is no dispute:

1. I was the first Lebanese official to ask for an international investigation immediately upon the occurrence of the terrorist crime that took the life of Prime Minister Rafiq Hariri and his companions.

2. Approval of the Tribunal did not take place in Lebanon in accordance with the provisions of the Constitution, beginning with the negotiation phase. In that

regard the competence of the President of the Republic, as provided for in article 52 of the Constitution, was transgressed, leading to a complete disregard, in the case of the Tribunal and its Statute, of the procedure for approval of international treaties as set forth in the Constitution.

3. The President of the Republic is, according to the Constitution which guides our political system, Head of State, symbol of national unity, and guardian of respect for the provisions of the Constitution and of the integrity of the homeland and its people. It was from this standpoint that I pointed out to you in my letter of 5 February 2007 that approval of the Tribunal directly by the Security Council would constitute a transgression of the constitutional mechanism that had been completely ignored, thus increasing anxiety about its being politicized or used for political purposes, which would ultimately rob it of its capacity to produce the juridical results expected of it, resulting in dire consequences for the stability and civil peace of the country that I have tirelessly been trying to preserve.

4. The Security Council, including its President, its members and the Secretary-General, has on more than one occasion expressed its desire to see the provisions of the Lebanese Constitution adhered to in the course of concluding the International Agreement on the Special Tribunal. But this has not been the case, contrary to what is claimed by Prime Minister Fuad Siniora, who, along with his Government, which lacks legitimacy under the National Pact and the Constitution, is disregarding the will of an entire people who yearn for justice and nothing more, and fear for their unity should there be imposed upon them a Tribunal that they have not taken part in establishing and reinforcing in order to achieve that goal.

5. I draw your attention, Sir, to the fact that the constitutional institutions in Lebanon are not closed to a Tribunal established by the discretionary decision of those in charge of them, especially the Parliament. But it is the duty of the Parliament not to bypass the Constitution and not to violate its provisions and the competence of its authorities, beginning with the competence of the President of the Republic under article 52 of the Constitution.

This is in addition to the fact that Parliament cannot stand by and watch the violation of the Constitution and the tyranny of a ruling clique that disregards the imperatives of national reconciliation and communal existence and resorts to seeking power through an outside force over its people and institutions. How can this Parliament consider the draft act on the Tribunal that has been published in the Official Gazette as though it had been properly submitted to it, knowing that that publication and submission took place without the signature of the President of the Republic who alone is charged by the Constitution with submitting draft laws to Parliament in accordance with article 53, paragraph 6, of the Constitution.

6. This Government lost its legitimacy under the National Pact and the Constitution as of 11 November 2006, when an entire significant sectarian bloc withdrew from it, and its Prime Minister has not tried for one day to secure its return, so that it has been completely absent from the decision-making process as though it were out of the country.

Is this what is desired for a nation based on coexistence and on the Charter that emerged from the Taif Agreement, which ended one of the worst conflicts that could ever beset a people and from which it emerged with a unifying strength? It has no

desire to fall back into a state of strife and polarization according to its leaders, who are most solicitous of preserving this unique form of coexistence.

Do we wish to undermine this will or strengthen it?

Is it conceivable that the Security Council could be used in a manner contrary to the purposes of the United Nations when it ought to be used to affirm them by helping peoples to strengthen the bonds of their unity and the source of their strengths and unify their efforts aimed at bringing about a collective national resolve?

7. I should like to remind you, Sir, that I have yet to receive a substantive and written reply to the detailed observations that I had made on two occasions in response to the successive "last minute" drafts of the Agreement and Statute of the Special Tribunal, which reached me in a manner not sanctioned by the Constitution. I promised myself that I would not use lack of time as an excuse, as though the Tribunal were punishment in and of itself. I tried, instead, to set forth detailed observations on what I considered, and still consider, to be a unifying goal for my countrymen — to know the truth — in the hope those observations might be of help in reaching that noble goal. There has been no procrastination and there are no closed roads. Perhaps Mr. Nicolas Michel informed you of those observations, which are documented with both your esteemed Office and mine.

Yet my desire not to involve the Security Council, the highest authority within the United Nations, in the internal affairs of my country and its established constitutional mechanisms or in the political groupings that have arisen out of those blatant constitutional violations, has only been met with the insistence of the group which rules outside the bounds of the National Pact and the Constitution on entreating the Council, whose impartiality and dignity I greatly value, to involve itself in internal Lebanese affairs and favour one political grouping over another.

I shall not enumerate the many violations of my country's Constitution by a group which rules outside the bounds of the National Pact and the Constitution. I only ask that you remain mindful, as you promised me, of the interest of the United Nations and its exalted, effective and impartial role on the one hand, and the interest of my nation and people on the other as they tirelessly strive to preserve unity, stability, security and peace in a troubled region that is rocked by polarization, conflicting interests and struggles. I hope, Sir, that you will take action. Please have this letter circulated to the members of the Security Council and place it on file at the United Nations to be referred to when necessary so as to recall its contents and the righteous desires and true warnings contained therein.

(*Signed*) Émile **Lahoud**

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First report of the Secretary-General on the United Nations Integrated Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1719 (2006) dated 25 October 2006, by which the Council established the United Nations Integrated Office in Burundi (BINUB) and requested me to keep it regularly informed of progress in establishing the Office and in the implementation of the resolution. The report covers major developments in Burundi since 28 November 2006, including the launching of BINUB on 1 January and the status of implementation of the comprehensive ceasefire agreement, signed on 7 September 2006 by the Government of Burundi and Palipehutu-Forces nationales de libération (FNL). It also highlights the progress achieved and the remaining peace consolidation challenges.

II. Major developments on the ground

A. Conclusion of the mandate of the United Nations Operation in Burundi and the launching of the United Nations Integrated Office in Burundi

2. The mandate of the United Nations Operation in Burundi (ONUB) was successfully concluded on 31 December 2006. A public information campaign highlighting the achievements of the Mission was held to mark the event. As indicated in the Secretary-General's letter of 22 December 2006 (S/2006/1030), ONUB's last military contingent, the South African battalion, was re-hatted on 29 December to form the core of the African Union Special Task Force to support the implementation of the comprehensive ceasefire agreement.

3. The liquidation of ONUB has also proceeded smoothly, with most of the assets of ONUB already having been transferred to BINUB as at 30 April. As planned, the liquidation of ONUB is expected to have been completed by 30 June.

4. BINUB was formally established on 1 January 2007. The transition from ONUB to BINUB was well coordinated and involved all concerned Departments, programmes and agencies of the United Nations system, the Government and other partners. A sensitization campaign led by my Executive Representative for Burundi,

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Mr. Youssef Mahmoud, helped to familiarize senior Government officials, national non-governmental organizations, the media, civil society and international partners with the mandate and functions of the Office. In a ceremony held on 20 February, President Pierre Nkurunziza and my Executive Representative for Burundi formally inaugurated BINUB.

5. In close coordination with the United Nations agencies, funds and programmes, the Government and other stakeholders, BINUB has focused, during its initial phase, on the establishment of an overall structure to ensure a cohesive United Nations approach to peace consolidation in Burundi. This has included the development of a United Nations integrated peace consolidation support strategy for the period 2007-2008, incorporating the United Nations Development Assistance Framework for 2005-2007. The support strategy, which was endorsed by the Government on 16 March, provides the overall framework for the activities of the United Nations system in Burundi, which have a direct bearing on peace consolidation during the immediate post-conflict phase.

6. Within this framework, joint thematic programmes in the areas of peace and governance, security sector reform and small arms and human rights and justice are also currently being finalized. These joint programmes aim to deliver targeted peace consolidation support to enable the Office to meet the benchmarks outlined in the addendum to the report of the Secretary-General of 14 August 2006 (S/2006/429/Add.1).

B. Political developments

7. The heightened political tensions that characterized the last months of 2006 were somewhat reduced during the reporting period. While the situation remains tenuous, the Government has, since January, taken a number of corrective steps aimed at promoting greater dialogue and enhancing social cohesion.

8. On 15 January, the Supreme Court of Burundi acquitted the former transitional President, Mr. Domitien Ndayizeye, former transitional Vice-President Mr. Alphonse-Marie Kadege and three others detained since August 2006 in connection with an alleged coup plot. However, two other detainees on the same charges were convicted, despite the lack of evidence to support the plot allegations. They have since appealed against the verdict. The release of former President Ndayizeye and those acquitted was considered by national and international observers as a victory for the rule of law in Burundi.

9. Relations between the Government and the media also improved following the acquittal and release, on 4 January, of three journalists who had been accused of threatening national security. During the reporting period, President Nkurunziza and members of his Government met on numerous occasions with media representatives, with both sides expressing a desire for better cooperation. Two civil society representatives arrested for criticizing the Government were also released in January, including the president of an anti-corruption watchdog organization.

10. In January, in reaction to an independent audit report commissioned at the request of the World Bank, the Minister of Planning and National Reconstruction, Dieudonné Ngowembona, was dismissed for his handling of the controversial sale of the presidential plane during his term as Minister of Finance. President

Nkurunziza also issued a decree establishing an investigative commission to review the conclusions of the audit report.

11. The Government took additional steps towards ending corruption and improving economic governance, including ending existing monopolies for the distribution of mass consumption commodities such as sugar. It also began applying public financial management principles and procedures. In this regard, oversight for the disbursement of salaries of Government employees in the security sector was repatriated to the Ministry of Finance in February.

12. There have been significant developments within the ruling Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) party. In late December, the membership of the party met in Gitega province and adopted recommendations to enhance transparency and accountability within the party. A steering committee tasked with preparing the party's participation in the 2010 elections was also established.

13. Subsequently, an estimated 1,400 party members reportedly signed a petition requesting that an extraordinary CNDD-FDD congress be convened to discuss the party's direction and leadership. This triggered an intense internal debate between those who supported and those who were opposed to the party President, Hussein Radjabu. Despite Mr. Radjabu's protests, a CNDD-FDD extraordinary congress was held on 7 February. The outcome of the congress led to the reorganization of the party's structure and the appointment of the Burundian Ambassador to Kenya, Jérémie Ngendakumana, as the party's new President. President Nkurunziza was named as the head of the party's oversight body, known as the "Council of the Wise", while Mr. Radjabu was named a member.

14. Mr. Radjabu subsequently challenged the legality of the congress, which he did not attend. On 16 February, supporters of Mr. Radjabu in Parliament called on the Supreme Court to invalidate the congress, a case which the Supreme Court dismissed on 6 April after several hearings. On 7 March, some 21 CNDD-FDD members of Parliament left the CNDD-FDD parliamentary group in support of Mr. Radjabu, thus deepening the rift within the ruling party and depriving it of an absolute majority in parliament. On 27 April, Mr. Radjabu's parliamentary immunity was lifted and he was detained on charges of threatening national security, reportedly on the basis of evidence provided to the Attorney General. As at 30 April, Mr. Radjabu remained in custody.

15. Since February, many high-level officials reportedly associated with Mr. Radjabu have also been replaced. In addition to some members of the party's leadership, this has included the Second Vice-President, the President of the National Assembly and the Second Vice-President of the Senate. The Minister of Planning, Communication and Information and the Minister of Commerce and Industry were also replaced. The changes further affected some heads of public corporations and municipal leaders.

16. In the meantime, the former Second Vice-President, Alice Nzomukunda, returned to Burundi after six months in exile. She has since been reinstated as a Member of Parliament and was elected on 25 April as the First Vice-President of the National Assembly.

17. The removal of Mr. Radjabu and his followers was considered a positive development by opposition parties, civil society and human rights groups. The

stated commitment of the new CNDD-FDD leadership to improving governance standards, including through fighting corruption, establishing a constructive political dialogue with opposition parties and establishing a better relationship with the media and civil society has also been welcomed.

18. Civil society organizations have, however, expressed some concern over the direct impact on the representation of women resulting from the changes within the ruling party, given that at least three women holding high-level positions were replaced by men. The Government has acknowledged these concerns and has pledged to remedy the gender imbalance promptly, in particular within the legislative body. A debate in Parliament on the gender and ethnic balances within the Government was ongoing as of 30 April.

19. On 13 March, members of the Senate addressed a letter to President Nkurunziza highlighting constitutional irregularities that occurred during the first 18 months of his term, including the lack of respect for political balance within the executive branch of the Government as prescribed by the Constitution. The Presidency agreed to respond promptly to the issues raised in the Senate's letter. In this context, several political parties called for a Government reshuffle, which would reflect the constitutional power-sharing arrangements.

C. Regional dimension

20. There have been positive developments at the regional level. During the second summit of the International Conference on the Great Lakes Region held in December in Nairobi, the 11 core countries signed the Pact on Security, Stability and Development in the Great Lakes Region. The Pact includes: 10 protocols; 4 programmes of action in the areas of peace and security, democracy and good governance, economic development and humanitarian and social issues; a special fund for reconstruction and development; and a regional follow-up mechanism. Burundi's candidacy to host the regional executive secretariat for the International Conference on the Great Lakes Region was also endorsed during the summit, and preparations were initiated following the arrival in Bujumbura of the Executive Secretary of the Conference, Ms. Liberata Mulamula (United Republic of Tanzania). The first post-Conference ministerial meeting is scheduled to take place in Bujumbura from 3 to 5 May.

21. The Government also continued to work towards achieving full membership in the East African Community, following the decision taken during the eighth summit of Heads of State of the Community in Dar-es-Salaam in November 2006. Burundi is expected to become a full member of the Community in July 2007.

22. In the meantime, Burundi hosted a number of important regional meetings, including of the Intergovernmental Committee of the Economic Commission for Africa; the Tripartite Plus Commission, as well as a ministerial-level meeting to revive the Economic Community of the Great Lakes Countries, which was comprised of Burundi, the Democratic Republic of the Congo and Rwanda and which has been inactive for 13 years owing to conflicts in the region.

23. The Economic Community of the Great Lakes Countries is expected to enhance regional cooperation in identified priority areas, including peace and security, democracy and good governance and economic development. The

European Union has pledged 50 million euros (€) to support the launch of the Community. A follow-up meeting is expected to be held in Bujumbura in September.

III. Security situation

24. The overall security situation in Burundi has continued to improve. In March, the United Nations reviewed the situation in the western provinces of Bubanza, Cibitoke and Bujumbura Rural, and subsequently downgraded the security from phase 4 to phase 3. Regular reviews of the security situation will continue in order to ensure that adequate security arrangements are in place for all United Nations personnel in Burundi.

25. Despite the overall improvement, criminality remained high throughout the national territory, including, in some instances, against staff of international non-governmental organizations. Murders, theft and rape were prevalent, with some allegedly committed by members of the national security forces. The high number of small arms and grenades in circulation remained a grave security concern, along with the continued illicit movement of arms across Burundi's porous borders. In spite of the Government's efforts to proceed with the civilian disarmament programme, there has been no improvement in this area since my last report.

IV. Activities related to the Peacebuilding Commission

26. There were significant developments with regard to the consideration of the situation in Burundi by the Peacebuilding Commission during the reporting period. In December, the Commission's second country-specific meeting supported the recommendation of an allocation of the Peacebuilding Fund to Burundi. I subsequently approved an allocation of $35 million for Burundi, based on the Government's peacebuilding priority plan. The joint Government-BINUB peacebuilding steering committee has since been developing project proposals to be funded from the Peacebuilding Fund, in coordination with national and international partners.

27. The steering committee approved two projects aimed at the establishment of a national independent human rights commission and the enhancement of the capacity of the National Land Commission. In support of security sector reform, the steering committee also approved two projects to enhance the capacity of the National Technical Commission for Civilian Disarmament and to support sensitization activities in advance of civilian disarmament initiatives. A fifth project will support the rehabilitation of the barracks of the Forces de défense nationale (FDN) in 14 locations. The completion of this project will allow the FDN to re-group its members away from population centres, strengthen the integration process and enhance command, control and discipline. It will also enable a more secure system of storing weapons.

28. In late March, the Assistant Secretary-General for Peacebuilding Support visited Burundi in advance of a visit of a delegation of the Peacebuilding Commission from 11 to 14 April. The eight-member delegation from the Commission was led by the Permanent Representative of Norway to the United Nations, in his capacity as chair of the country-specific configuration on Burundi.

and included representatives from Angola, Croatia, Egypt, India, Jamaica, Norway, Pakistan and Uganda. The delegation met with the President of Burundi, the first Vice-President, the President of the Senate, the President of the National Assembly, cabinet ministers, representatives of the Judiciary, multilateral and bilateral partners, representatives of all political parties, regional organizations and a wide range of civil society and private sector organizations. The visit helped the members of the Commission to gain a first-hand understanding of the peace consolidation challenges facing Burundi and to discuss the broad outline of a strategic framework for peace consolidation to be adopted by the Government of Burundi and the Commission.

29. As requested by the Peacebuilding Commission, BINUB is supporting the Government and the Peacebuilding Commission in the development of a strategic framework for peacebuilding, which will serve as the basis for the Commission's longer-term engagement with Burundi and provide a clear delineation of the commitment, roles and responsibilities of all national and international actors involved. The framework, which will be based on existing peace consolidation policy and strategies, will complement the role of BINUB in ensuring greater coordination and coherence of international assistance to Burundi on the ground. On 27 April, the Minister of Good Governance presented the first draft of the framework during an informal country-specific meeting of the Commission on Burundi. The framework is expected to be finalized in June, at which time it would be formally adopted by the Commission.

30. As part of the process of developing the strategic framework, the Commission held an informal thematic meeting in March to discuss good governance in Burundi. Additional meetings, focusing on other peacebuilding areas of priority, notably community recovery, rule of law and security sector reform, are expected to be held in late May.

V. Peace consolidation: progress and remaining challenges

A. Ending the conflict: implementation of the comprehensive ceasefire agreement

31. The implementation of the comprehensive ceasefire agreement remained stalled, despite some steps forward during the reporting period. In December, the South African Facilitation of the peace process organized a meeting in Dar-es-Salaam, at which the two parties reached an agreement on the issue of provisional immunity for FNL members and the release of detained FNL members who were nominated to participate in the agreement's Joint Verification and Monitoring Mechanism provided for in the agreement.

32. Other steps taken in December towards the implementation of the agreement included the operationalization of the African Union's Special Task Force, with the support of the United Nations, and the arrival in Burundi of the Chairman of the Joint Verification and Monitoring Mechanism, Brigadier-General M. E. Phako (South Africa).

33. Following the Government's release of six FNL prisoners on 18 February, the South African Facilitator accompanied 17 FNL members to Burundi to participate in the work of the Joint Verification and Monitoring Mechanism. On 19 February, the

Facilitator chaired the first meeting of the Monitoring Mechanism with the participation of representatives from both parties, the regional technical team, the African Union and BINUB. The members of the Monitoring Mechanism agreed on its priorities, namely the identification of suitable assembly area sites for FNL combatants and the establishment of a joint liaison team to address the issue of political and war prisoners.

34. The work of the Joint Verification and Monitoring Mechanism was disrupted, however, on 22 February, when the Government accused FNL of violating the ceasefire in an incident in Bujumbura that led to the murder of two officers of the Burundi National Police. The Monitoring Mechanism dispatched a fact-finding mission to the site of the incident, accompanied by the Ministers of External Relations and International Cooperation; Justice; the Interior and Public Security; and Defence and Veterans' Affairs and including my Executive Representative and members of the diplomatic corps. A subsequent joint examination of the facts could not determine FNL's involvement. The Monitoring Mechanism resumed work on 28 February and established a standing committee to investigate all alleged ceasefire violations.

35. Regrettably, very little progress was achieved in subsequent meetings of the Joint Verification and Monitoring Mechanism. On 27 March, the Monitoring Mechanism suspended its activities following preconditions put forward by the FNL representatives. These included the negotiation of a forces technical agreement and the disengagement of FDN from provinces where FNL combatants may assemble. The FNL representatives also requested that the Monitoring Mechanism discuss the modalities of the inclusion of the movement in national institutions before the disarmament and demobilization of FNL combatants could commence.

36. In an effort to end the impasse, the South African Facilitation team met with President Nkurunziza and the FNL leadership in early April. Both sides reaffirmed their commitment to the implementation of the agreement. President Nkurunziza also expressed his readiness to accommodate members of FNL within the national institutions, including by nominating its members to non-elected technical and diplomatic posts in the Government. While both sides agreed that a meeting between President Nkurunziza and FNL leader Agathon Rwasa would help build confidence and pave the way for the resumption of the implementation of the agreement, they were not able to agree on a venue for this meeting. The Monitoring Mechanism remained suspended as of 30 April.

37. In the meantime, the stalled implementation of the agreement has resulted in a rise in FNL activities over the most recent period, including increased recruitment in Bubanza, Cibitoke and Bujumbura Rural provinces. Exactions against the population attributed to the FNL, such as looting, extortion, ambushes, kidnappings and robbery, are still taking place. FNL combatants were also reportedly conducting law and order activities in some areas. The national security forces have continued to arrest and detain individuals accused of FNL membership or collaboration.

B. Demobilization, reinsertion and reintegration and reform of the security sector

38. During the reporting period, the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration demobilized 886

members of the FDN, both non-commissioned officers and troops, including 223 with disabilities. The total number of combatants demobilized since the inception of the programme in December 2004 is 22,688, including 494 women and 3,041 minors.

39. With support from the Multi-country Demobilization and Reintegration Programme, BINUB and the South African Facilitation, the necessary preparations have been made for the Executive Secretariat to carry out the demobilization of FNL combatants once the implementation of the comprehensive ceasefire agreement resumes. These preparations have included the development of a comprehensive disarmament and demobilization joint operations plan for the consideration of the Joint Verification and Monitoring Mechanism.

40. Progress was also achieved with regard to alleged FNL combatants whom the Government had housed at a site in Randa since April 2006. The Government issued a decree establishing a mechanism for combatant status verification, designed to process this group of combatants, some of whom are considered to have deserted the FNL of Agathon Rwasa and others to be associated with the faction of the movement led by Jean Bosco Sindayigaya. Following concerns raised by the World Bank, the Executive Secretariat made efforts to ensure that the decree did not violate the terms of the existing agreements between the Government, the World Bank and the Multi-country Demobilization and Reintegration Programme within the framework of the national disarmament, demobilization and reintegration programme. A new decree stipulating that the mechanism had been created solely to address the Randa caseload was promulgated on 15 March 2007. This allowed the Government to proceed with the verification of combatant status of the individuals concerned, which was carried out, with BINUB's support, during the first week of April. The combatants received the first instalment of their reinsertion packages upon completion of the demobilization process on 17 April. Furthermore, the 26 minors who had been transferred from Randa to the Gitega demobilization centre in November 2006 were reunited with their families in March 2007. They will also receive the support afforded to demobilized child soldiers under the national programme.

41. With the assistance of bilateral partners, the Government has taken further steps towards reforming the security sector. The Ministry of National Defense and Veterans' Affairs carried out a comprehensive review of administrative and human resource structures within the Ministry and FDN, with support from the Government of Belgium. The Government of the Netherlands also financed the training of approximately 100 FDN officers in human resources management.

42. The challenges associated with the integration of the FDN, including the varying qualifications, training and experience of combatants, are also being addressed. The Ministry is planning to put in place a personnel management system to meet the specific needs of the integrated FDN. The establishment of such a system would also allow the Ministry and the General Chief of State to strengthen command and control over FDN as well as their financial management capacity. A census of all FDN members is also necessary which will require the appropriate financial assistance.

43. Efforts were also made to improve internal governance within the National Police of Burundi. Senior police cadres participated in a workshop jointly organized by the National Police and Belgian Technical Cooperation on the role of the police

and policing techniques in a democratic society. They unanimously identified the need to develop codes of ethics and conduct for the National Police as an urgent priority. In this connection, as part of BINUB's support to the National Police, an expert carried out an independent assessment of the function of the Inspection Générale within the National Police and presented recommendations on how to enhance its capacity. I would urge Burundi's partners to support the capacity-building efforts of the National Police in this important area.

44. Despite some progress, major challenges exist in the reform of the security sector, which continue to hinder the ability of the security services to effectively fulfil their responsibilities. In this regard, the lack of adequate training, equipment and logistical capacity severely impacts the ability of the security services to perform their daily functions.

C. Small arms

45. Within the framework of the Government's national civilian disarmament and small arms proliferation strategy, the Technical Commission for Civilian Disarmament organized a series of workshops to sensitize the media on its activities and to train its cadres and members of the security services on international and regional agreements pertaining to small arms and light weapons. During the reporting period, the Technical Commission also drew some lessons from the Arms for Development Programme managed by the United Nations Development Programme (UNDP) in preparation for the implementation of the national strategy.

D. Human rights

46. While serious challenges remain, the period under review has been marked by some positive developments in the field of human rights. The promotion of human rights and the necessity to support and develop national human rights protection were issues that have figured prominently in President Nkurunziza's recent public statements.

47. On 22 December, the President issued a decree commuting all death sentences, reducing sentences for some categories of prisoners and releasing others, including elderly and terminally ill prisoners. The President also ordered the release of all prisoners whose detention violated legal procedure. In total, 2,588 prisoners were released and the sentences of 862 were reduced following implementation of the Presidential decree. However, severe overcrowding in Burundi's prisons, which hold more than twice their capacity, remains a challenge that will only be resolved through thorough reform and enhancing the capacity of the judicial and corrections sector.

48. During his visit to Burundi from 13 to 27 January, the Office of the United Nations High Commissioner for Human Rights (OHCHR) Independent Expert on the situation of human rights in Burundi raised several key issues with the Government, including the pending investigation into the alleged summary execution of some 30 men in Muyinga province in July and August 2006. In February, the Minister of Justice appointed a second judicial commission to complete the investigation. In a welcome move, the Minister of Defence facilitated the commission's access to military personnel implicated in the case. The judicial

commission's findings were reportedly handed over to the Minister of Justice at the end of April. Speedy prosecution of this important case would demonstrate the Government's stated commitment to improving respect for the rule of law and human rights.

49. On a less positive note, however, there was little progress in the investigations into most other allegations of serious human rights violations, especially those that occurred before the signing of the comprehensive ceasefire agreement. While allegations of human rights violations committed by military personnel have diminished since the ceasefire's entry into force, there was an increase during the reporting period of abuses allegedly committed by personnel of the National Police, including cases of torture or ill-treatment of suspects while in police custody. BINUB continued to submit and conduct systematic follow-up of all pending cases with the relevant authorities.

50. BINUB's collaboration with the Government and with civil society partners on human rights issues continued, during this period, including numerous activities promoting human rights, focusing on increasing awareness of human rights and strengthening the capacity of journalists and trade unions.

51. Activities to launch the establishment of a national independent human rights commission were launched on 20 December by the President of the Republic. Working closely with the Government, BINUB organized workshops in February and March for representatives of civil society and media professionals to explain the role, responsibilities and relevance of national human rights institutions and a national human rights commission in particular.

E. Child protection

52. During a visit to Burundi from 10 to 13 March, my Special Representative on children and armed conflict, Ms. Radhika Coomaraswamy, followed three issues of concern raised by the Security Council working group on children and armed conflict: (a) the recruitment and use of children by FNL; (b) the detention of minors associated with FNL; and (c) sexual violence against children, especially girls. My Special Representative met with President Nkurunziza, relevant Government ministries and donors, human rights partners, civil society and conflict-affected children.

53. My Special Representative was encouraged by the progress made by the Government, including the release of children held in prisons and police holding cells who were accused of participating in armed groups, notably FNL. She expressed the hope that the remaining 22 children at Mpimba prison on similar charges would be released as soon as possible. She also welcomed the family reunification of 26 children held at the Gitega demobilization centre prior to her visit. She further stressed that all children associated with armed groups, whether remaining within the FNL ranks, detained in prisons or recently released, must receive full support in reintegrating themselves into society.

F. Judicial reform

54. A revised draft criminal code was analysed and approved by the Government and is currently before Parliament for adoption. The revised draft code proposes important changes, including the abolition of the death penalty and the criminalization of torture, as well as new provisions for the protection of women against sexual violence and the protection of children. It also includes provisions regarding the crime of genocide, crimes against humanity and war crimes. Burundi will now have universal competence to prosecute these crimes, which are not subject to a statute of limitation and are excluded from amnesty, but not from presidential grace.

55. A first draft of the revised national code of criminal procedure has been prepared by a task force of Burundian experts, with the support of BINUB, to bring it in line with international human rights treaties ratified by Burundi. The draft will now be discussed at several thematic workshops with members of Parliament, Government officials, civil society representatives, legal practitioners, diplomatic representatives and BINUB experts, in order to ensure its broad endorsement.

G. Transitional justice

56. At the request of the Government, a United Nations technical team, which included representatives of the Office of Legal Affairs, OHCHR, the Department of Peacekeeping Operations and BINUB, conducted discussions with the Government from 5 to 10 March to clarify outstanding issues relating to the establishment of transitional justice mechanisms. The outstanding issues are: the nature of the national consultation process prior to the establishment of the Truth and Reconciliation Commission; the non-applicability of amnesty for the crime of genocide, crimes against humanity and war crimes; the relationship between the Truth and Reconciliation Commission and the Special Tribunal; and the independence of the prosecutor. Both sides came close to a common understanding regarding the nature, scope and role of the Government of Burundi, the participation of the United Nations, civil society organizations and the people of Burundi in a broad-based national consultation process. The issue of amnesty, the linkages between the Truth and Reconciliation Commission and the Special Tribunal and the independence of the prosecutor will require further dialogue between the United Nations and the Government.

H. Refugee returns

57. The first quarter of 2007 has been characterized by a very low level of return of Burundian refugees from the United Republic of Tanzania, with only 2,912 refugees returning between 1 January and 30 April. This is in sharp contrast to the surge in returns following the signing of the comprehensive ceasefire agreement last September. The current uncertain political and security situation arising from the deadlock in the agreement's implementation could be a significant factor discouraging refugees from returning. A difficult humanitarian and economic situation and the lack of food and seeds in Burundi may also have deterred returns between January and April. Consequently, the Office of the United Nations High

Commissioner for Refugees (UNHCR) has revised its planning, and now estimates 65,000 instead of 80,000 returnees during the course of 2007.

58. In the meantime, the authorities of the United Republic of Tanzania have continued to expel Burundians they consider to be illegal immigrants, although BINUB has established that many of the expelled were long-term residents who had not applied for refugee status through UNHCR. Many have reportedly been arrested in the villages where they had settled and there are numerous reports of serious ill-treatment by Tanzanian officials prior to their expulsion.

I. Humanitarian situation

59. The humanitarian situation was exacerbated by torrential rains at the end of 2006 and beginning of 2007, which had a detrimental impact on the food supply during the reporting period. On 20 December, the Government set up a solidarity fund to support affected populations in the provinces of Muramvya, Bubanza, Karuzi, Kayanza, Cibitoke, Ngozi and Ruyigi for a period of four months, until 30 April. A steering committee chaired by the Minister of the Interior and Public Security was also established to coordinate planning and the Government's response to the crisis.

60. From 19 to 20 December, representatives from the United Nations Office of Coordination of Humanitarian Affairs, the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP), in collaboration with provincial authorities, carried out a rapid joint evaluation to assess the situation in Gitega and Ngozi provinces. Findings revealed that basic subsistence crops, including beans, maize, rice, sweet potatoes and vegetables, were the most affected.

61. As a consequence, overall food production dropped by about 3 per cent from the already very low production levels, resulting in the steep rise in basic food commodity prices. Furthermore, the limited availability of bean seeds will have a severely negative effect on the next crop season, due to be harvested in June.

62. Specialized international agencies focused their initial response on sanitation and prevention of epidemics, distributing kits containing non-food items to affected households in Bujumbura Rural and Cibitoke provinces. For its part, the Government reinforced the capacity of health centres in the vicinity of the flooded areas, providing additional drugs and mosquito nets. Thus far, these efforts seem to have produced positive results and an outbreak of epidemics has been avoided. Most humanitarian activities in February and March focused on the preparation for the second planting season. WFP distributed food rations to approximately 60,000 households in six of the most vulnerable provinces. In collaboration with the Ministry of Agriculture, FAO and non-governmental organizations provided seeds and tools to more than 345,000 households throughout the country.

63. On 31 January, a $131.6 million Consolidated Appeal Process for Burundi was launched. Thus far, the total amount received for 2007 is $47 million for contributions and commitments, and $29 million for uncommitted pledges. I encourage donors to contribute generously to the Appeal. These urgently needed resources will contribute significantly to the consolidation of peace in Burundi.

J. Socio-economic development

64. Despite delays, preparations for Burundi's round-table donors' conference are ongoing and the event is now scheduled to take place in Bujumbura on 24 and 25 May. The criteria for determining priority areas for funding have been largely addressed by the Ministry of Planning, in coordination with donors and all stakeholders, before presentation of the documentation for the round table to the Government for its review and endorsement.

65. During the reporting period, the World Bank and the International Monetary Fund (IMF) continued to support the recovery and peace consolidation process. On 7 March, the President of the World Bank visited Burundi to assess the Bank's projects. In his meetings with Government officials, private sector representatives and civil society, the President reiterated the Bank's commitment to supporting Burundi, while encouraging the Government to adopt measures to eradicate corruption. In this regard, he also announced that the Bank would provide some $180 million to finance five projects in support of good governance.

66. The IMF, which recently appointed a resident representative in Burundi, announced the disbursement of $10.7 million in the context of a poverty reduction and growth facility arrangement.

67. Burundi's bilateral partners also remained actively engaged in the country's peace consolidation efforts, which led to a number of high-level bilateral visits during the reporting period, aimed at enhancing cooperation and promoting development partnerships.

68. In the meantime, the action plan for the national poverty reduction strategy paper was finalized and endorsed by the Government on 11 April. In this regard, it is estimated that for the period 2007-2010, the Government will require $640.9 million to finance development activities, of which $247.8 million is required for budgetary support.

VI. Observations

69. During the course of 2006, the nascent democratic process in Burundi faced major challenges. Tensions between the Government and political parties, the media and civil society, reports of widespread corruption and serious human rights abuses, in particular those committed by the national security services, threatened to undermine the painstaking efforts of Burundians to build solid foundations for sustainable peace and development.

70. While the overall situation remains fragile, I am encouraged by a number of promising steps that President Nkurunziza and his Government have taken since the beginning of the year. The improvement in relations with the media and civil society, the commitment to improve the human rights situation and fight corruption and the pledge of the ruling party's new leadership to work in an inclusive and cooperative spirit with all political parties are welcome developments.

71. It is essential therefore that the Government and its national partners continue to engage in dialogue as they address the challenges that will inevitably arise in the peace consolidation process. By addressing obstacles to peace transparently and within the framework of the law, Burundian leaders can ensure that progress made

to date will not be compromised. Pressing ahead with governance reforms will be a key factor in that regard, along with an inclusive exchange among political parties and sustained support for the development of the capacities of civil society and the media.

72. The proactive and positive engagement of the Government of Burundi at the regional level is also encouraging. The revival of the Economic Community of the Great Lakes Countries and Burundi's formal accession to the East African Community in July should further advance regional integration and provide important development opportunities for Burundi and its neighbours. I commend the Government and people of Burundi for hosting the new Executive Secretariat of the Great Lakes Conference and the Government's commitment to the ratification of the Pact on Security, Stability, and Development in the Great Lakes Region at the next parliamentary session.

73. The Government's engagement with the Peacebuilding Commission thus far also contributes to the consolidation of peace in the country. It is my hope that once adopted by the Government and the Peacebuilding Commission, the strategic framework will serve as an effective platform for partnership and sustained support to strengthen peace in Burundi.

74. The people of Burundi have high expectations for immediate peace dividends. This includes tangible improvements in basic social services and infrastructure, as well as a reduction in human rights abuses committed by security sector personnel. The Government's efforts to deliver basic services remain hampered by the lack of resources and limited capacities. The authorities should therefore redouble their efforts to ensure effective and transparent economic governance. In this context, the Peacebuilding Commission should continue to play an active advocacy role in mobilizing resources for Burundi and helping to ensure the success of the upcoming donor round table. I urge Burundi's international development partners to assist in creating the institutional capacities needed to enable the Government to put the resources provided by donors to the best use.

75. As mentioned above, despite the progress achieved, the country continues to face enormous challenges. The current impasse in implementing the comprehensive ceasefire agreement is of particular concern. It is essential that this final phase of the peace process be successfully concluded without delay so that all Burundians can focus on the urgent national reconciliation and reconstruction tasks that lie ahead. The genuine goodwill of all concerned will be required to bring this about.

76. The Government's stated commitment to moving this process forward and its intention to accommodate FNL demands are commendable. I hope the Government of Burundi will continue to explore further political and other incentives that would build confidence and end the current impasse. For its part, I strongly urge the FNL leadership to respect its obligations and to immediately move forward with the implementation of the agreement.

77. The efforts of the Regional Peace Initiative for Burundi, the South African Facilitation of the peace process and the African Union have been instrumental in helping the Burundian parties carry the peace process forward. While the onus clearly remains on the Burundian parties to ensure that their efforts to consolidate peace are not wasted, international engagement will remain essential in order to bring closure to the recovery and peace consolidation phase. The United Nations

will continue to actively support all constructive measures in this regard, in particular those that address the root causes of the conflict.

78. A solid foundation for stability in Burundi will require, inter alia, significant progress in the area of security sector reform, including the focused and sustained provision of adequate training and equipment, and ensuring civilian control of the armed forces. The Burundi National Police should also be provided with the necessary resources to fulfil its responsibilities for internal security. Training on human rights standards for the Burundi security services is also an essential element for the future national stability of the country. However, an end to the serious human rights abuses committed by some members of these services can only be achieved through determined efforts and concrete measures by the Government to eliminate the culture of impunity.

79. Durable peace will also depend on how Burundians reconcile themselves with the consequences of their tragic past and forge a shared future. It is hoped that a common understanding between the Government and the United Nations can soon be reached on the issues outlined in paragraph 56 above. This would allow the United Nations to continue the negotiations with the Government on a legal framework for the establishment of a Truth and Reconciliation Commission and a Special Tribunal, based on the highest standards of justice and international human rights. The United Nations will pursue a principled but constructive and pragmatic engagement towards that end. The forthcoming visit to Burundi of the United Nations High Commissioner for Human Rights may facilitate progress in that area.

80. In conclusion, I would like to express appreciation to my Executive Representative for Burundi, Youssef Mahmoud, and all BINUB personnel for their work in support of consolidating peace in Burundi. My appreciation also goes to all United Nations personnel, non-governmental organizations and bilateral and multilateral donors for their generous contributions to the cause of peace in that country.